

THOUGHTS
ON THE
PRESENT STATE OF AFFAIRS
WITH
AMERICA,
AND
THE MEANS OF CONCILIATION.

By WILLIAM PULTENEY, Esq.
Representative in Parliament for the Town of Shrewsbury;
and Brother to Governor Johnstone, one of the Commissioners to negotiate Peace with *America*.

To which are added,

TWO APPENDIXES,
CONTAINING
LETTERS wrote by Dr. FRANKLYN.

ALSO,

Extracts from the WORKS of Dr. TUCKER,
Dean of Gloucester.

THE FOURTH EDITION.

DUBLIN:
PRINTED FOR WILLIAM HALLHEAD,
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ON THE

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THOSE who have any enthusiasm with respect to public matters, and who feel in their own minds a strong and clear conviction, with regard to any important public question, are apt to suppose, that men who profess to entertain the contrary opinion, are influenced by some base, factious, or corrupt motive. They make no alteration for those natural causes of difference of opinion, which have existed in all ages. They will not condescend to argue patiently with such men, still less will they suffer themselves to suppose, that their own ideas may be in some degree erroneous, and that the truth may lie between the two opposite opinions.

When civil disputes have gone so far, as to put arms into the hands of each of the parties, the power of argument is then completely at an end.

The agitation of violent passions confirms more powerfully each of the parties in their first prejudices; and, until some great calamity, or some great and unavoidable danger occasions a pause, the voice of reason will in vain endeavour to make itself heard.

The great question which has for many years agitated this country, concerning America, and has lighted the flames of civil war, affords a convincing proof, with how much violence persons of the first abilities are capable of embracing the opposite sides of a doubtful public controversy, at the same time that it furnishes an interesting example, how very little mere force is calculated to convince the understandings, or to remove the prejudices of mankind; and though much has been wrote and spoken upon the subject on both sides of the Atlantic, it seems to me, that neither side have hitherto allowed a sufficient degree of weight to the arguments of their opponents; nor has the question hitherto been treated, with that calmness which promised to discover the truth, or with that impartiality which was calculated to reconcile the natural prejudices of contending parties.

Those who have at all accustomed themselves to reflection, are inclined on every occasion to suspect the fairness of arguments, which are urged with too much zeal. In the present great dispute, the love of liberty, natural to a Briton, and the principles in which I have been educated, on the one hand, and my attachment to Great Britain, where my property, and all my friends and
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connexions are situated, on the other; have all along balanced my mind in such a manner, as to prevent, I trust, my running into the extremes of either party; and as I feel myself incapable of being influenced by any base motive, so my care to avoid political connexions of all kinds, has, I hope, preserved my understanding, in some degree at least, from being warped upon this occasion. If, therefore, my talents were equal to the task of canvassing properly this great question, there is nothing to obstruct my doing it in a fair, candid, and impartial manner.

The late events in America seem to have occasioned some degree of pause; and I hold it to be the duty of every impartial man to seize that favourable moment of laying before the public such lights as he may think of sufficient importance to call for their attention.

The sentiments which I shall deliver are the result of my own reflections, without a view to serve either those that are in, or out of office, but with a very sincere desire to serve my country in general; and whatever respect I may entertain for many gentlemen who have enrolled themselves on either side of this question, that respect shall not prevent me from canvassing the subject with the utmost freedom.

In treating of this important matter, I will begin with a review of the grounds which have induced the Americans to take up arms, and will consider whether a sufficient weight has been allowed to these motives, on the part of Great Britain. I will
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then examine the grounds and motives of Great Britain for rejecting the claims of the Colonies and insisting on the full and uncontrolled exercise of legislative power in America; and whether the Americans have given due weight, on their part, to these motives. This examination of the subject, will naturally suggest the reasonableness and practicability of a reconciliation, by which each party will depart in some degree from their pretensions.

I believe there is now no doubt, but the true motive which has united so great a part of the Americans in the present contest with Great Britain, is the claim of Britain to a power of taxing them by the parliament here, and of altering their Charters of Government, without any application for that purpose from themselves, by the sole power of our legislature. If any man doubts that this is the case, let him recollect, that, before the æra of the Stamp Act, there was no instance of any general combination in America, to resist the authority of this country; that such a general combination did immediately take place, after the passing of that act; and an agreement, I think, was entered into by most of the Colonies, not to import or to consume any of our goods or manufactures; but so soon as the Stamp Act was repealed, that combination, and the non-importation agreement, was dissolved, and great rejoicings were made in consequence of that repeal, in almost every part of America. At that time many pamphlets were published in America, discussing the

the right of this country to tax them, and pointing out the consequences which might follow, from the admission of such a right. And so soon as a new attempt was made by the Act 7th of His Majesty, to impose another tax upon tea and other articles, the same sort of general combination followed, and the pamphlet, intitled "Letters from a Pennsylvania Farmer," ascribed to Mr. Dickenson, was eagerly and universally read. But when all these taxes, except the tax upon tea, were repealed in 1770, and strong assurances were given in the name of Government, by the Earl of Hillsborough's circular letter to each of the Colonies, that it was the determined resolution here, to impose no new taxes upon them, the second importation agreement was gradually dissolved, though, as the tea tax was not repealed, some of the most zealous Americans endeavoured still to keep it on foot; but the general good sense of the people, when their fears were quieted, prevailed then (as I hope and trust it will do now), and harmony was restored. No attempt was at this time made, to alter the Charters of the Colonies, and therefore it does not appear, that their fears were excited with respect to that important point; but the immediate effect in America of the Bill for altering the Charter of the Massachusetts Bay, is a proof of their sentiments concerning the consequences of such a power, vested in the Parliament of Great Britain.

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I shall hereafter take notice of the arguments of those who contend, that the Americans had long ago formed the plan of rendering themselves independent of Great Britain, and that the fear of parliamentary taxation was not the motive, but the pretext for taking up arms against this country. At present I shall take it for granted, that our claims to a right of taxation, and of altering their charters of Government, were the true motives of the American resistance, and shall consider what degree of justification arises, from the apprehension which they might fairly entertain concerning these powers.

When the American Colonies were successively settled, they each obtained from the Crown, charters, establishing a form of civil government; which, though differing a little from each other, yet in all, resembling very much the Constitution of Great Britain. They had each an assembly chosen by the people, a Council resembling our House of Lords, and a Governor representing his Majesty. By the united concurrence of these three branches, laws were made, which had force to bind all the inhabitants of the respective Colonies, and taxes were by them imposed; but no law or act of their Legislature, could continue valid, unless confirmed by his Majesty in Council. By this last check, Great Britain was secured, that no act prejudicial to this country could have the force of a law; for, if his Majesty had been advised by his Privy Council, to give his assent to
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any such improper act, there can be no doubt, that those members of the Privy Council, who gave such advice, might have been called to account by Parliament, and subjected to impeachment, as well as for advising any other abuse of the royal prerogative.

On the other hand, by this species of constitution, the Colonies were possessed of a controul, situated upon the spot, and placed in the hands of the representatives of the people, upon the Governor or executive power in each Colony. They had also a general controul upon the administration of justice; and the same sort of general superintending and inquisitorial power, for controlling public abuses of all kinds, which belongs to the House of Commons in this country; and the members of Assembly claimed, and by usage actually enjoyed, all the personal privileges within each Colony, which belongs to the members of the British House of Commons.

Every person who has at all considered the Constitution of this kingdom, must know, that the essence of the liberty of a Briton, consists in the controlling power of the two houses of Parliament, without which, the prerogatives necessarily vested in the Crown, and the necessary discretionary power vested in those who administer justice, would, in spite of the best laws, and in spite even of the controul of juries, that inestimable institution, perpetually tend to abuse, and that Britons would otherwise feel in some degree, that
degrading

degrading anxiety, which, in other countries, debases the human mind, under every species of absolute Government.

One of the most material supports of the controlling power of the House of Commons in this country, is its power over the public purse, and that no money can be levied upon the people without the vote of that house; and though a very great revenue in taxes is now established by permanent acts, for the interest of the public debts, and other taxes to a large amount are granted to his Majesty for life, as the expence of his civil list; yet the land tax and the malt tax have never been granted as a perpetuity, and for a long time past these taxes have only been voted annually. Without the grant of these, Government, on its present footing, could not go on; for though, in times of peace, the taxes established for the interest of the public debts, afford a surplus called the Sinking fund, which comes into the Exchequer annually without any new vote; yet that money could not be applied by Government, to any other purpose than the payment of part of the public debts, without consent of Parliament; neither would that surplus, if seized illegally by the executive power, be sufficient to pay the expence of the lowest peace establishment.

His Majesty is therefore under the necessity of calling both Houses of Parliament together annually, in order to have the land and malt tax voted; and when they are called, they have a right

to inquire into all abuses, and to refuse voting the money until these abuses are redressed.

In former times, the dignity of the Crown was supported by the revenue of the Crown lands, and the hereditary revenues to which the King, as feudal Lord, was intitled. During that period, the Crown was not under the same necessity as now, of calling Parliaments annually together, in order to obtain the necessary grants of money; and accordingly it often happened, that Parliaments were not called for many years; by which means, they were deprived of the opportunity of redressing grievances, or of enquiring into abuses. The alienation of the Crown lands, and the abolition of the feudal tenures, has undoubtedly put the Crown more in the power of Parliament than formerly; but as that dependance has obliged the Ministers of the Crown, to pay more attention to the securing a constant majority in Parliament, the burdens of the State have undoubtedly been thereby greatly increased, and this country pays enormously, for the change which has happened, in the mode of exercising the influence of the Crown, which formerly consisted in prerogative, but now consists in the influence of Ministers upon the particular Members of both Houses, and upon the Electors of the House of Commons.

I do not however adopt the idea of those, who seem to think, that the corruption of Parliament has arisen to such a pitch, that it has become merely an engine in the hands of Government. There are, I trust, a great majority in both Houses,
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who would resist with the spirit becoming freemen, any direct attempt in the Ministers of the Crown to overturn the liberties of this country ; and I believe and trust, that there is a still greater majority in the kingdom, who would, upon a like occasion, discover their resentment in such a manner, as would make the Members of the Legislature, as well as the Ministers of the Crown, tremble for their own situation. I do also firmly believe, that the general voice of the nation, will for a long, and I hope for a very long time, controul the proceedings of Parliament, in spite of any corruption of the Members, especially, whilst our standing army is reduced in time of peace, and is composed of native troops, and commanded by gentlemen of property ; and that the spirit of our Militia is preserved. But at the same time, I acknowledge, and every man must feel, that the influence of the Crown upon Parliament, is already an alarming circumstance, and that the expence of conducting Government upon that plan is enormous ; and as the progress of despotism in this country, by the road of influence, is likely to be slow and almost imperceptible, there is reason to fear, that it may not therefore excite a general alarm, till it be too late ; nor can it escape observation, that the standing army of France is almost entirely composed of national troops, and is commanded by the best families in the kingdom ; and that in several instances in ancient times, and at present in Sweden, Denmark, Russia and Prussia, an army of national troops, has the care of those chains,

chains, which are wreathed round the necks of their unfortunate fellow-subjects.

At present, undoubtedly, this country enjoys a degree of liberty, which may excite the envy of the whole world : but perhaps there are few amongst us, who have duly considered, that whatever part of our freedom arises from the controul of Parliament, depends upon so slight a circumstance, as that which I have already mentioned, namely the necessity the Crown is under of calling Parliament together, in order to vote the Land and Malt tax annually, and the Mutiny Bill, which necessity would not exist, if these acts were made perpetual, or to endure for the life of the King. When these bills pass annually in the House of Commons, they are considered so much as a matter of course, that unless an augmentation of the Land Tax or other alteration, is proposed, few Members give their attendance in the House, and a still smaller number give any attention to a matter of so much real consequence.

The American assemblies did not indeed enjoy the same degree of controul upon the executive power here, because the Government of Great Britain could go on, although they were never called together. But as their grants of money for their own internal government, were annual, as the salaries of their Judges and Governors, consisted in part, till lately, of annual grants made by the respective assemblies ; and as therefore the public business of the province, could not well go on, without their being annually called together, they had enjoyed

enjoyed that advantage, with very little interruption, till the commencement of the present contest.

The effect which this controul produced upon the prosperity of the American Colonies, has been very remarkable. They have gone on encreasing in wealth and population, in a manner never before experienced in the world, because they enjoyed a degree of happiness and liberty, which, in provinces distant from the seat of Government, has no example in any former age.

Neither this happiness, nor this success, was the child of accident; they have had Governors of all tempers and of all descriptions, but the happiness of the people has notwithstanding been very little interrupted, and their progress in almost every kind of improvement has hardly met with any check. This can only be ascribed to the excellent nature of their government, so happily contrived for controlling all abuse in the executive power, and so well fitted to establish, from time to time, every kind of useful institution for the interest and happiness of the people.

It has been said by a political party writer, that these assemblies were to be considered in no other light than as corporations or vestries in England, which have power to make bye-laws, and to levy money for certain purposes, but have no pretext to a power independent of the British Parliament.

The question of their right to an independent power, will be considered in another place; it

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is sufficient here to observe, that even if it were to be admitted, which is far from being the truth, that they deserved no better name than that of a Vestry, they were Vestries which communicated to the inhabitants of each respective Colony, the same sort of freedom and security, and the same sort of controul, upon the executive and judicial powers in that country, which the Parliament of Great Britain, or the Parliament of Ireland, communicate to the inhabitants of these islands.

There can be no doubt, that the Parliament of Great Britain had passed many laws to bind America; they had imposed duties upon goods imported into these Colonies, and had subjected their trade to many restrictions; they had even in some few instances, imposed taxes upon them which may be called internal, though I recollect only that of the Post-Office. And it seems to me an undeniable proposition, that before the year 1754, it did not occur to Great Britain on the one hand, nor to America on the other, that there was any reasonable doubt of the universality of the power of the British Parliament, to bind the Colonies in all Cases whatsoever, although that power, except with regard to matters of trade, had been used very sparingly. I am aware of what passed in the reign of King William, and also that at different times some of the Colonies had claimed an exemption from the power of Parliament, and that some of our statutes had not been strictly executed there; but we never had admitted these

these claims, and the Colonies had certainly acquiesced.

In the year 1754, however, the matter underwent a very serious discussion. The common danger of the Colonies from the impending French war, occasioned a meeting at Albany, of Commissioners from many of the Colonies, who formed a plan, for establishing a Grand Council, of members to be chosen by the several Assemblies, which, with a Governor General to be appointed by the Crown, should be empowered to make general laws to raise money in all the Colonies for the defence of the whole. This plan was sent to Government here, for approbation. The plan was not approved; but a new one was formed in place of it, by which it was proposed, that the several Governors, and one or two members of each Council should assemble, and be empowered to determine on proper measures for the common safety, and to draw upon the Treasury of England for the necessary expence, and that the Treasury should be reimbursed by a tax upon America, to be imposed by the British Parliament. This new plan was communicated by Governor Shirley to Dr. Franklyn, then at Boston, who having delivered his sentiments upon it in conversation, he was desired by Governor Shirley, to commit to writing the particulars which he had stated in that conversation. This he did in a letter addressed to the Governor, which occasioned a second conversation and a second letter. These letters were no doubt transmitted home by Governor Shirley,

Shirley, and I dare say will be found in the proper office here; and the effect of them was, that no mention was made of taxing America during that war. A Congress was afterwards authorised to meet, and several requisitions for aids were made in name of the Crown to the American assemblies, which were complied with, in a very liberal manner. The letters were afterwards published in the London Chronicle of 8th February, 1766, and have since been re-published in a French Edition of Dr. Franklyn's works. I have now subjoined them in the Appendix.

In these letters, the American objections to their being taxed by the British Parliament, are fully, ably, and clearly stated; and those who read them with attention, will probably think, that hardly any thing new has since been suggested upon that subject.

The substance of the argument contained in the letters is, that the Americans, by the restrictions imposed upon their trade, did in fact contribute their proportion to the general public expences: That therefore any further taxation would be unjust: That they are not represented in the British Parliament, and therefore the power of taxing them could not be safely trusted there: That their own assemblies were competent to the power of taxing them, and being chosen by themselves, were not likely to abuse that power: That the compelling the Colonies to pay money, without their consent, would be like raising contributions in an enemy's coun-

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try, and would be treating them like a conquered people, and not as true British subjects.

These papers prove, beyond dispute, that the American objections to parliamentary taxation, were not first suggested by factious men here, but were the result of ideas, which naturally occurred, from a consideration of the subject, amongst themselves. Dr. Franklyn had, indeed, been in England in his early youth, but returned to America in 1728, long before this question was started, and resided in America till about the year 1758. The light which the Earl of Chatham may have derived from these letters, will, perhaps, account for the line of conduct which he observed, in avoiding all attempts to tax America, during the war of 1756, though that war was considered, as undertaken chiefly, on account of our American Colonies, and also for the opposition which he gave to that measure, when proposed by Mr. Grenville, and for the uniform sentiments which he has entertained concerning it ever since.

Having premised these observations, let us consider the merits of this question, a little more closely.

It must appear, I acknowledge, at first sight, an extraordinary proposition to an Englishman, that there should be any bounds to the power of King, Lords, and Commons, which, from his infancy, he has been taught to consider as supreme; and it will be difficult for him to admit, that the Parliament of England, which has protected the liberties of this country, and has exercised without controul

controul the power of taxing us, should not be considered, as fit to be trusted, with the power of taxing the Colonies; that when so great a part of the inhabitants of this kingdom, are taxed without being represented, the Americans should pretend, that the same practice ought not to extend to them, and that they can be well founded, in maintaining so dangerous a doctrine, as that the supreme power of the State, is limited in its authority, and the unity of empire destroyed, with respect to a particular part of that State, and with respect to a part too, which was considered as very unequal to a contest with the whole.

But the best method of judging fairly, in questions with others, is to put one's self in the opposite place.

Let us fairly consider, for what reason it is that the British Parliament has been trusted, almost without complaint, for so many ages, with the power of taxing the *unrepresented* part of England, in order to see if the same reason will apply to America; for I do not deny, that Parliament does in this island, tax great bodies of people who are not represented; and I also admit, that the actual representation of the people of Great Britain is very far from being perfect. It may be true, in some measure, that every foot of land is represented; but when we consider, that the whole counties of England send only eighty, and Scotland thirty, and Wales twelve members to Parliament, out of five hundred and fifty-six, the total number of the House of Commons, it is in vain to argue,

that the people of England are represented in a proper manner, by those who are elected by the owners of land; and as the Constitution has allowed a numerous separate representation for the towns, it may be fairly said, that all those considerable towns which send no members, such as Manchester, Birmingham, Halifax, &c. and a great part of our people besides, are not represented in parliament.

But the true reason why so little inconvenience has been hitherto felt, from this defect, or inequality of representation, must, I apprehend, be deduced from a circumstance, which, so far as I know, has never been sufficiently attended to, by any political writer, and which, though established by no law, is of the utmost importance in this Constitution. I mean the *usage* of Parliament, by which it imposes all taxes in a general manner, so as not to tax any particular district or part of the kingdom, while other parts of the kingdom are not taxed; but imposes the tax on all persons possessing the property, or consuming the taxed commodity, in whatever part of the kingdom they reside. The Land Tax, and Window Tax, for example, are imposed upon all the land and windows of England, in whatever county situated, and are not imposed on Yorkshire alone, whilst all the other counties pay nothing. In like manner, the Malt Tax is not imposed on the malt made in one county only, but on all the malt made any where in England. The duties of Customs affect the importation and exportation of goods at every place,

place, and the duties of Excise extend to all exciseable goods in every part of the kingdom. There are many instances indeed of special Acts of Parliament, obtained upon petition of the inhabitants, by virtue of which duties are levied in particular places, and not elsewhere; but the money is, in such instances, directed to be applied to public purposes in that particular place, which precludes any objection to the tax. I believe, however, there is an instance or two, of duties levied at the port of London, particularly on coals, which duties are not levied in any other ports of the kingdom; and yet the produce of the duties is not appropriated to public purposes within London or Middlesex, and I am not at present able to explain the reason of that deviation from the general rule. But the usage, as to all public taxes for the exigencies of the State, may, notwithstanding, be considered as universal; namely, that they are not confined to any particular place, but are general over the whole kingdom.

The effect of this usage, with respect to the point in question, is of much more consequence than may at first sight appear. Though Manchester and Birmingham, for example, are not represented; yet, as the tax which affects them, is at the same time imposed upon all the places in the kingdom which are represented, if the tax were grievous and oppressive, it would excite a general disgust, and the voice of the people in general, being against it, would check and controul, not only the
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error, but even the corruption of Parliament. I do not lay much weight in this case, upon another circumstance, that, by the *universality* of the tax, it must affect the Members of Parliament, themselves, who vote for it ; because it is impossible to disguise, that as things now stand, the majority of both Houses may enjoy such emoluments from the Crown, as will more than compensate their particular share of the tax ; but as they will not only tax themselves, but their constituents, and not only their constituents, but the whole body of the people, an irresistible check must thence arise, to every remarkable abuse of the power of taxation, until, by the means of a numerous standing army, the liberties of the people are entirely at an end.

The effect of this check, arising from the universality of all taxes, operates, we know, with respect to Scotland, which certainly could not otherwise be protected, by so small a representation as forty-five Members out of five hundred and fifty-six ; nor by the stipulation made at the Union, by which the amount of the land tax is in some degree limited as to that country. That limitation is not absolute, so as to prevent the land tax from being ever increased ; but is wisely contrived in such a manner, as to render the English Members, the protectors of Scotland ; for it was stipulated, that when the land tax in England should amount to 1,997,763*l.* 8*s.* 4½*d.* the land tax in Scotland should be only 48,000*l.* free of all charges, by
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which means, though that tax may be increased, yet no such increase can be made, without, at the same time, a proportional increase in England.

If Parliament should deviate from this usage, and should attempt to tax Yorkshire for example, when no other county was taxed, every one must see, that the thirty Members sent from that county, could afford to it, very little protection against the remaining five hundred and twenty-six Members which compose the House of Commons; and the tax would be unjust, because in voting such a question, the other Members could in no sense be considered as *virtually* representing Yorkshire, their interest not being the same with that of Yorkshire, but directly opposite; for by taxing Yorkshire, they would diminish the burthen upon themselves and upon their constituents.

But although the protection of any particular part of the kingdom, against the proceedings of Parliament, is not so much founded on the votes of the actual members sent from thence, as upon the universality of the proceedings of Parliament, which therefore naturally unites, not only all the Members, but the whole kingdom, in opposing what is wrong; yet representation, is on many other accounts, of great moment to those places which elect Members, for it immediately and intimately connects each individual of the electors, and all their friends and even acquaintance, with the representative and his friends, and thereby secures to them a degree of protection from injury and oppression, which, with respect to the inferior

rior orders of mankind, exists no where else in any quarter of the globe. This sort of protection extends much wider in England than it does in Scotland, because in England the right of voting descends to a much lower class; and accordingly, the common people of England, have evidently stronger feelings of independence, than those of other countries.

These are some of the great advantages, which the inhabitants of this island derive, from representation in Parliament. In the considerable towns, which send no Members, there are always great numbers of voters for the surrounding counties, or for other towns which send Members, who communicate protection to the rest, and the whole representatives of England, are to them a protection, against exorbitant taxation.

But if America were to be taxed by a British Parliament, would that country enjoy the same protection, and are the Members of the British House of Commons to be considered in any respect as virtual representatives of that country?

The system of laws concerning the trade of America has deprived them of many of the important advantages of Englishmen, and therefore we could not, without injustice, impose upon them the same taxes to which we ourselves are subject. Indeed, by compelling them in a manner to take our goods at our own price, and obliging them to send their goods here, to be sold in effect at our price, we lay upon them a large share of our taxes; but as we cannot justly extend to them,
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the same taxes which we impose upon ourselves, whilst we deprive them, of an equal privilege in trade, if we were to tax them further, we must do it by a special tax to be levied in America only, and no part of it to be levied on ourselves. Instead therefore of a common interest in our five hundred and fifty-six Members of Parliament, to protect them from taxation, our whole body of representatives, would have a common interest to tax them, in order to lessen the burden on ourselves. No murmurs from England can be expected to arise, upon occasion of any new tax to be paid by America, but on the contrary an universal joy and approbation. No member would run the risk of offending his constituents, or of losing his seat, by voting for such a tax; he would read in the countenances of his friends and acquaintance, no marks of disapprobation; he would see in his neighbourhood no symptoms of the mischiefs arising from the most oppressive taxes; the cries of the Americans, from beyond the Atlantic, would hardly reach his ears; and as he is not elected by them, there cannot exist that connection, which would bind him to afford any individual, his protection, from the most illegal insult and violence.

This is not all, if the practice of taxing America here, had been once firmly established, does any man doubt, that the executive power, the governors, judges, and officers of all kinds, would soon have been rendered entirely independent, of the people and assemblies of that country, so as to leave their conduct without any controul existing there.

there. Many steps had been taken with that view, whilst our right of taxation existed only in idea, and we had established Courts of Admiralty, and of Vice Admiralty, for the trial of a great variety of causes, without the controul of a jury, founded on a suspicion, that our Government was so disagreeable to the people, that juries there, were not to be trusted, but would perjure themselves, rather than give verdicts agreeable to truth and justice.

Can it be doubted, that if we had established the power of raising money in America by our own votes, we would soon have found, that the Provincial assemblies, were nurseries of faction, and that they tended only to clog the wheels of Government? Is it to be supposed, that our Governors would have wished to preserve such a check upon their own proceedings; and would we not have listened more readily to the representations of our Governors, than to the remonstrances of a helpless unprotected people?—Would not the consequences have been, that, by degrees, the calling of assemblies in the Colonies, would have been entirely discountenanced; and would not then, a degree of despotism necessarily have ensued, in every part of that continent? Every object of ambition in that country would have been at an end; the consciousness of security, and of independence, which is the pride and glory of free men, would have been banished from every breast; the dispositions and principles, the baseness, treachery, cowardice, and indolence, which are
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the children of despotism, would soon have diffused themselves over every part of that unhappy country.

It may be said, that no despotism could have been established there, because they would still have enjoyed the laws of England; but what are the laws of England, without the check of Parliament upon the executive and judicial powers, and without the protection of juries; and is it certain, that we would long have suffered them to enjoy the laws of England? Had we not already, in a great measure, deprived them of juries, in questions with the Crown, by means of our Admiralty Courts? Have we not deprived the inhabitants of Canada of juries, except in criminal cases; and have we not refused that inestimable privilege to our settlements in the East Indies? How little care did we heretofore take, in the appointment of proper judges to be sent to America? Of late, indeed, some attention had been shown to that department, but how shamefully had the prerogative been for a long time perverted, in that important and sacred branch?

Besides the natural tendency, which Parliament uncontrolled, would have had, to impose taxes on America; the Ministers of the Crown, would, in future times, have had a peculiar incitement to increase the public revenue in that quarter, because it would have afforded an opening for great numbers of new offices, to be enjoyed by their dependants here, and executed there, by half starved and rapacious deputies.

It

It seems to me, that America, under such a system, must have stood in the same situation with respect to this country, in which the people of England would have stood with respect to the Crown, if the claims of Charles the First, to levy money by his own authority, had prevailed. They would have been subject to be taxed by a power which had no natural check or motive to spare them, except what might arise from humanity and indulgence. It was argued for Charles the First, that the Parliament was factious; that it obstructed the public service; that his Majesty could not be inclined to oppress his people, since his own glory and prosperity was connected with theirs; that his Privy Counsellors, and those appointed by him to high offices, would naturally be chosen from amongst the principal men in the kingdom, who could not be supposed to concur in any thing injurious to the sacred liberties of their country; that the right of the Crown to levy ship-money, was established by innumerable precedents, and was not a new right; and that, therefore, those who contended against it, were merely a set of fanatical factious men, who wished to make themselves of importance to the prejudice of the established constitution of the kingdom. These sort of arguments had at that time such weight, that they imposed on the understandings of a great part of the kingdom, and the pretensions of Charles the First were supported by a large proportion of the English nobility. Fortunately, however, these pretensions did not prevail,

vail, and the exclusive right of Parliament to grant the money of the people, was vindicated, though not without the effusion of torrents of blood.

It will make little difference, that in this case it is not a single person, under the title of King, who claims the power of levying Money on the Colonies, but the united power of King, Lords, and Commons; for, with respect to America, that united body of men stand exactly in the place of one Monarch; they are as much disengaged from all check or controul, arising from the persons who are the objects of taxation, as Charles I. was with respect to the people of England; and the experience of mankind has shewn, that free states have often exercised a more cruel and relentless tyranny, over other states subject to their dominion, than has been usually practised by a single Monarch. Our own history proves, that the conduct of those great defenders of freedom, who established the Revolution, was not a little despotic, with respect to America.

Such then was the prospect of America, if they had patiently submitted to Parliamentary taxation; and I think I can appeal to the breast of every honest Englishman, whether, if he had been settled in America, and had viewed the matter in this light, he would not have sacrificed the last drop of his blood, rather than have submitted to such a claim.

That the true ground of distinction, between our taxing the unrepresented part of England, and taxing America, has not been heretofore sufficiently

ficiently attended to, will appear, by examining the various political tracts which have been wrote to prove our right, and the justice of the present war. Doctor Tucker, Dean of Gloucester, has canvassed this subject very ably, in a treatise, lately republished with four other tracts, entitled, "Letter from a Merchant in London to his Nephew in America," which was wrote before the present civil war commenced. I have annexed, in the Appendix No. II. an Extract from that work, and another Extract from a pamphlet which has passed through many editions, entitled, "The Rights of Great Britain asserted against the Claims of America, being an answer to the Declaration of the General Congress." In neither of these ingenious publications, is any notice taken of this important distinction, though every other argument, which either has been, or perhaps can be urged in favour of America, is very fully and learnedly discussed.

Mr. Grenville too, in the House of Commons, when he opposed, out of office, the repeal of the Stamp Act, appears by the printed account of his Speech, to have defended the system of taxing America, upon no other ground, than the power of Parliament to tax the *unrepresented* part of England. The Earl of Chatham, indeed, in the rapidity of a reply, slightly touched the distinction, in one sentence, but did not, I think, dwell sufficiently upon it, to bring it home to the feelings and understandings of the nation. His words, in answer to Mr. Grenville, as printed, were these,

"The

“ The Gentleman tells us of many who are taxed
 “ and are not represented. The India Com-
 “ pany, Merchants, Stockholders, Manufacturers.
 “ Surely many of these are represented in other
 “ capacities, as owners of land, or as freemen of
 “ boroughs. It is a misfortune that more are
 “ not actually represented. *But they are all Inha-*
 “ *bitants, and, as such, are virtually represented.*
 “ They have connections with those that elect,
 “ and they have influence over them. The gen-
 “ man mentioned the Stockholders. I hope he
 “ does not reckon the debts of the nation as a
 “ part of the national estate.—”

That the Americans, however, felt the full
 force of this objection, though they have not stated
 it in words, there can be no doubt. The ques-
 tion was stirred in 1754, and the dangerous con-
 sequences explained by Dr. Franklyn, residing in
 America, long before the Stamp Act. That sub-
 sequent attempt, by Mr. Grenville, in 1764, re-
 called their attention to it, and it was discussed in
 many printed pamphlets, and in most of their
 news-papers. It is well known, that the lowest
 class of people in America, are taught to read, and
 that publications concerning public matters, which
 being untaxed are cheaper there than here, are uni-
 versally dispersed. In such a country, it was easy
 to interest every man, from the highest to the low-
 est, in a question of such infinite importance to all;
 and this seems to account sufficiently for the united
 and persevering resistance, they have hitherto suc-
 cessfully made.

Whether

Whether from the amazing force of this country, we might not have suddenly overwhelmed them, if the degree of resistance had been foreseen, is a question, which it is not necessary for me to discuss, my object being only to examine the grounds they had for that resistance.

But it may be said, that if it is admitted, that Parliament had always exercised a supreme authority over the Colonies, it is not a sufficient ground to overturn an established right, to assert, that such a right is liable to abuse, and that good reasons can be given why it ought never to have existed.

I allow that this argument has great weight, because a contrary doctrine would unhinge most of the Governments which now exist in the world; but in the present case, the exercise of taxation, with the express view of raising a revenue in the Colonies, was an *Innovation*; the Colonies had not acquiesced in it; the matter came to be discussed upon the first avowed attempt; they saw the danger, and as it was contrary, in their apprehension, to the spirit of the Constitution, which in this island has established constitutional checks upon those who impose public taxes, it is not to be wondered that the Americans resisted the claim. The right of Charles I. to levy ship-money without the consent of Parliament, was much better founded in precedent, than our right to tax America; but our ancestors wisely thought, that even these precedents, however strong, could not support a power which was so dangerous to their liberties.

But

But it has been said, that the Americans had all along a scheme of Independence, and that our claim of taxation was only the pretext made use of for resistance, and not the cause; that this was discovered by Monsieur Montcalm, when in Canada, as appears by his letters lately published; and that after the conquest of Canada, when they were relieved from the apprehension of the French power, their plan, which had been long meditated, was completely formed, and the struggle must have taken place sooner or later; and that it was an advantage to us to bring it to a trial of force now, rather than at a later period, when their power and their resources would have been greater; and that it was particularly fortunate for us to bring the question to a determination by arms, at a time when we were at peace with all the rest of the world.

This argument, I know, has made impression on many fair and honourable minds, and therefore it deserves a particular examination.

The following reasons convince me, that the Americans, in general, had no desire to render themselves independent of the British Government.

In the first place, it is a certain truth, that mankind are not disposed to alter a government to which they have been long accustomed, and under which they have enjoyed felicity; but no people ever enjoyed a greater degree of prosperity and happiness, than existed in America, till the idea of taxing them was adopted in this kingdom; they

submitted to the laws of trade; they even submitted to the Admiralty Courts, where the judges, uncontrouled by a jury, were till lately, paid by a share of the condemnations. These Admiralty Courts, were empowered to judge in revenue questions; with a view to enforce more strictly the laws of trade; and we refused to trust such questions to juries, from a suspicion, in my opinion, weak and ill-grounded, and rather chose to risk the disgust which might arise in America from the partial and interested determinations of very low men, whom we appointed judges, than run the hazard of a few cargoes escaping condemnation, by the partiality of juries, who were to give their verdicts upon oath.

With the same view to taxation, we determined to make the Governors and Judges independent of the Provincial Assemblies. Before the idea of taxation took place, it was the practice for the Assembly to vote a salary to the respective Governors, and also to the Judges, and no inconvenience to this country was felt from it; but much good arose to the Colonies, from this controul over the executive and judicial powers; but when we proposed to counteract the inclinations of the people, it became necessary to remove all controul upon those whom we should appoint to these offices.

The republican form of the American constitutions, then too, began to give us disgust, for, from the reign of King William till then, we had felt no inconvenience that deserved to be mentioned

tioned from that circumstance ; and if their constitutions were such as gave satisfaction, and secured good order in each colony, what motive but taxation could induce us to find fault with them?

From similar motives it was, that James II. attempted to destroy the constitutions of all the corporations of England, by virtue of *quo warrantos*, because he wished to govern without controul. The resistance made to him, and to his father Charles I. did not proceed from any previous plan of independency, but certainly arose from their encroachments ; and yet the assertors of our liberties, in those times, were accused of acting merely from ambitious views.

That the Colonies in America might have been governed with ease, if we had entertained proper sentiments, is proved, to my conviction, by the following fact :—The constitution of the Massachusetts Bay is, by far, the most republican of any in America, (Rhode Island, perhaps, excepted.) It is that Colony which has always been considered as the most averse to the English government, and to have been chiefly instrumental in lighting up the present flame in America. In that Colony not only was the Assembly chosen by the people, but the Council, which, in most of the other Colonies, is appointed by the Crown, or by the Governor, is there chosen by the new Assembly, and such Members of the old Assembly as are not re-elected ; the Governor having only, I think, a negative. Notwithstanding.

this is the form of the constitution, yet I am assured, by undoubted authority, that it has almost always happened, that the persons supported by the interest of the Governor, have been chosen Councillors; and that, in no instance, for many years back, was the election of the Council carried against the wishes of the Governor, except that of the last Council, which was chosen immediately before the Massachusetts Charter Bill; and, notwithstanding the agitation of men's minds at that critical period, it required a great deal of address and stratagem, even then, to carry the election of the Council against the Governor.

Nor will this appear extraordinary to those who consider the great weight which the executive power always must have, in every country where attention is paid to govern mankind agreeable to their inclinations. The office of Councillor was in that Colony an object of ambition; and those who aspired to obtain it knew the importance of having the support of the Go-

* The stratagem, I am told, was this: An eminent politician there, suggested to his friends, that he thought, in the agitation which then prevailed, they might be able, by address, to carry the election of Councillors against the Governor. He proposed to elect Mr. Hancock Speaker of the Assembly; and as he was sure the Governor would make use of his negative, and reject him, the assembly, he said, would be inflamed; and if the election of Councillors was immediately brought on, he hoped their list would have a majority. This plan was followed, and the election of Councillors was carried by a small majority.

vernor's

vernor's interest in the assembly; by adding that weight to the scale of either candidate, the party which he espoused was sure to prevail.

The Governor had few offices of profit to bestow, and no fund for bribery out of the public money; and yet, by common attention in managing the passions of men, the influence of the office of Governor was, at all times, very great in that settlement, though not always held by men of the first abilities.

2dly, The Colonies have uniformly denied this charge of independence; not only has it been denied by the Congress in their printed declaration, but it has been denied in still stronger terms by the particular Colonies. Thus the Colony of North Carolina, in their address to the inhabitants of the British Empire, dated 8th Sept. 1775, has disclaimed the accusation, with evident marks of honest sincerity. "We have been told that independence is our object; that we seek to shake off all connection with the Parent State. Cruel suggestion! do not all our professions, all our actions, uniformly contradict this? We again declare, and we invoke that Almighty Being who searches the recesses of the human heart, and knows our most secret intentions, that it is our most earnest wish and prayer to be restored, with the other united Colonies, to the state in which we and they were placed before the year 1763, disposed to glance over any regulations which Britain had made previous to this, and which

“ which seem to be injurious and oppressive to
 “ these Colonies, hoping that, at some future
 “ day, she will benigningly interpose, and remove
 “ from us every cause of complaint.”

The Congress, in the declaration setting forth the causes of taking up arms, 6th July, 1775, has been also very explicit:—“ Left this declaration should disquiet the minds of our friends and fellow-subjects, in any part of the Empire, we assure them, that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. We fight not for glory, or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.”

If it is said that these declarations are not to be trusted, it cannot be denied, that they are a proof, at least, that those who made them thought it unsafe to declare any other sentiments, and that therefore the great body of the people were averse to the idea of independency, and, in such
 a situ-

a situation, nothing but unwise conduct on our part could have deprived us of the allegiance of a people so disposed.

3dly, It is well known, that after the fate of their last petition to his Majesty, and after all the acts which we afterwards passed; yet, when the vote of independency was proposed to the Congress, it was carried by a very small majority the first day, and on the second day the votes were equal; so that the question went off for that time.

4thly, As I know of no facts which prove that the Americans in general entertained ideas of independency, before our plan of taxation, and as they could not, I think, have any reasonable motive for entertaining that idea, so there are many facts which prove the contrary. The request which they made after these disputes commenced, to be put upon the same footing as they were in 1763; and the petition of the Congress to his Majesty, presented to the Secretary of State on the 1st of Sept. 1775, seem to me convincing proofs that independency was not their aim. That petition concludes in the following manner: " We
 " therefore beseech your Majesty, that your royal
 " authority and influence may be graciously inter-
 " posed, to procure us relief from our afflicting
 " fears and jealousies, occasioned by the system be-
 " fore mentioned, and to settle peace through
 " every part of your dominions, with all humility
 " submitting to your majesty's wise consideration,
 " whether it might not be expedient, for facili-
 " tating

“tating these important purposes, that your Majesty would be pleased to direct some mode, by which the united applications of your faithful Colonists to the Throne, in pursuance of their Common Councils, might be improved into a happy and permanent reconciliation.” In another place of the same petition, they declare, “Our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation, as might in any manner be inconsistent with her dignity or her welfare.”

If it be said, that the Americans in general might not aim at independence, yet that this was the idea of many leading men amongst them, and would, one day or other, have been the general wish. It first remains to be proved, that any such men existed among them. It is plain that Dr. Franklyn, in 1754, entertained no such notion; and if it had been the opinion of some particular persons, will any wise man believe, that if our government in that country had been well administered, the favourable opinions of the great body of the people could have been perverted so much, as to make them renounce present ease, happiness, and security, to pursue an uncertain phantom, which, when attained, might disappoint their sanguine hopes.

5thly, I think it plain, that his Majesty's Ministers did not believe, that independency was the general wish of America; and if they who had an opportunity of the best intelligence upon the subject

ject did not believe it, I think it impossible that there could be any truth in the accusation. That they did not believe it, seems to me to be proved by the famous circular letter of Lord Hillsborough, after the repeal of all the duties imposed by the act 7th of his Majesty, except on tea, and addressed to the American Governors, to be communicated by them to the several assemblies. In that letter, the most positive assurances were given, that it was not the intention to impose any further duties upon America by authority of the British Parliament; but if the Colonies had seriously been thought to aim at independency, to what purpose was this declaration. If, on the other hand, it was believed, that the true cause of their uneasiness proceeded from our claim to taxation, these assurances were proper, and calculated to answer a good purpose, as they certainly did.

If his majesty's Ministers had believed independency to be a prevailing idea in America, would they have sent so inconsiderable a force, as they did at first, under General Gage, sufficient only to quell a few factious rioters; or would they have affirmed, as they did repeatedly to Parliament, that the friends of Government were very numerous in America, and that it was only the violence of a small number of factious men, which had prevented our friends from shewing their inclinations? The conciliatory proposition of Lord North, moved in the House of Commons, 27th February, 1775, and the act of Parliament, empowering the Crown to send out Commissioners to grant

grant pardons, and with private instructions, probably of a more extensive nature, would have been ridiculous, if administration had seriously believed, that the Americans in general aimed at independence.

6thly, If independence had been in the contemplation of America, can we suppose, that they would have left themselves so ill provided with the means of supporting it, as they certainly were at the beginning of these confusions?

The riot at Boston in 1774, when the tea was destroyed, was merely a resistance to a particular tax they disliked, and not the result of any deep laid scheme of independence*; at the same time, it would not have been surprising, if the Americans had been much better prepared than they were for resistance, considering the conduct of Parliament soon after the repeal of the Stamp Act, when the plan of taxation was resumed, and the unnecessary and unproductive tax upon tea was repeatedly refused to be repealed.

It seems unfair, to urge as a proof that they aimed at independence, the speculations of philosophers, with respect to the probable state of America, at a distant period of time, when it is supposed, their numbers and wealth shall greatly exceed those of this country. These speculations however ingenious, are merely conjectural, and could not be supposed the real motives of con-

* The tea in all the other Colonies was sent back, and was destroyed at Boston, from the obstinacy of the Consignee, who refused to permit the ship to return to England.

duct,

duct, in the minds of any considerable part of the present inhabitants of America.

With respect to the letters of Monsieur Montcalm, I believe them to be fictitious, and certainly their authenticity is by no means ascertained. If they had been genuine, it is not probable that they would have been so long of making their appearance; but it was easy to prophecy, as these letters do, after the event had happened. There have been so many publications in France, of letters as genuine, which were afterwards discovered to be the mere works of imagination, that no wise man would chuse to rest his belief, concerning a point of so much consequence, upon the chance that these letters are not invented but real.

But it will be said, their late declaration of independence, is a decisive proof that they had no other object from the beginning. Was the republican establishment in England, after the long struggle with Charles the First, a proof that the great body of the people of England took up arms from the beginning, in order to establish a republic? If I have been successful in shewing, that the Americans had just grounds for the most serious alarm, from our claims of a power to tax them here, to which we added, a claim to alter their charters of Government; if they had more than an intimation, by the Quebec Bill, what was the sort of constitution we wished to introduce in all the provinces, we have no need to search further, for motives sufficient to induce a jealous, enlightened, and high-spirited people, to take up
arms,

arms, without supposing that independency was ever their object. But when they found that we paid no attention to their fears and jealousies, but that after sending a force to Boston, under General Howe, which was compelled afterwards to leave it, we prepared and sent out a much greater force, and passed several acts of Parliament, which showed our disposition to reduce them to unconditional subjection; but above all, when not only the petition from New York was refused by Parliament, but his Majesty was advised to reject, without an answer, the last petition of the Congress; it seems to me, that the Americans had no option left, but either to submit as a conquered people, and depend on the generosity of those who had been taught to view them in the most contemptible light, or to declare themselves independent, in order to establish some regular form of government amongst themselves, and to entitle them to treat for assistance with other powers.

From the view I have taken of the subject, I think it must appear to every man who will permit himself to judge without prejudice, that the objection of the Americans to their being taxed by this country, was not an unreasonable caprice, but of a most serious and important nature; and that the British Parliament, being neither elected by them, nor imposing at the same moment on themselves and their constituents, the taxes they were to vote on America, had not those constitutional checks, to prevent an abuse of that dangerous power, which is in truth the essence of the
British

British Constitution. It will also appear, that by the system adopted with respect to the Colonies, in establishing a monopoly of their trade, we had in fact exacted from them a proportion of our public burdens; that if we had been willing to give them a representation in the British Parliament, it would have afforded them a very feeble protection, unless every tax imposed upon America, was to be at the same time imposed upon ourselves; that we could not, in justice, impose upon them all our own taxes, and yet tax them at the same time, by preserving our monopoly; and that even, if a method could have been devised, of fixing a proportion to be paid by them now, as a full equivalent for their present proportion of the public taxes, and that they should never pay more in future, except a similar proportion of such increase of taxes as we might hereafter make upon ourselves; yet still they would not have been put upon a fair footing with us, unless they were allowed to send representatives to Parliament, in order to guard both us and themselves against any such increase; and it would have been farther necessary, in strict justice, that our laws of trade with respect to America, should have been fixed, so as to prevent any possible increase of the burden upon them in that respect; for as these laws are not of a general nature, but are made to burden America only, without at the same time burdening our own constituents, the British Parliament would, in all questions of that kind, have wanted that constitutional check, which is
the

the essence of the power of taxation, and the supposed representatives from America, would have been able to make too feeble a defence in such sort of questions against the united interest of all the other Members of our British House of Commons. And after all, these colonies would still have suffered many disadvantages by the want of a legislative power among themselves.

I believe there are few, even of the most zealous in support of the American war, who would in private conversation, assert as their opinion, that his Majesty's American subjects ought to be on a worse footing with respect to taxation, than the inhabitants of Great Britain. On the contrary, the constant language is, that the Americans demand privileges, which do not belong to Britons; that they ought to bear their proportion of the public burdens; that they have taken arms in the face of the law of the land, and the constitution of the empire; and that not contented with a participation of the happy constitution of this country, they have aimed at privileges, in claiming an exemption from Parliamentary taxation, which we in this island do not enjoy; that this war is meant to restore liberty to the Americans, to restore to them the rights and privileges of the British Constitution, and to rescue them from the despotism of their factious leaders, and of that Congress which they had elected.

But from what has been said, I apprehend it to be clear and manifest, that the power of taxing America cannot be trusted with the British Parliament,

liament, with the same safety, as the power of taxing Britain; that the Americans would be on a worse footing than us, and would be destitute of those checks, which controul in Britain the abuse of taxation; and that when we insist upon putting them upon that footing, we desire what is unreasonable for us to ask, and for them to submit to.

Ought they not then to contribute to the burdens of the state? They certainly ought, and by the restrictions imposed on their trade, they certainly do contribute very largely; but perhaps they do not contribute their full proportion; the long possession of their exclusive trade, has, I believe, given such advantages to the the British manufacturers, that they are now able to furnish a great part of our manufactures to the Americans, cheaper than they could be purchased elsewhere; and therefore, the confining the Americans to take these from us, is no hardship upon them, and is, in truth, unnecessary for us. I believe too, that much relaxation might be made with respect to the regulations of their trade, with great advantage to them, and without any material injury to us; and if that were done, they certainly ought to contribute in another way, to the public burdens of the State.

But I would wish to know, if we might not safely trust, that such contribution would be cheerfully granted by their own assemblies; as is done by the Parliament of Ireland. There is certainly nothing unconstitutional in that mode of obtaining

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a contribution from part of the empire, otherwise Ireland would not have been so long exempted from Parliamentary taxation.

It has been said, however, that such a mode might become dangerous to the liberty of this country, because the King would thereby have the means of levying money without the consent of the British parliament, and by obtaining money from the American Assemblies, the Crown might, at some critical period, be rendered independent of the British Parliament.

But this objection, which applies equally to the case of Ireland, is certainly not founded on any very probable conjecture, and could easily be obviated, both with respect to Ireland and the Colonies, by passing an act, which would bind his Majesty, that all acts of assembly, or of the Irish Parliament, containing grants of money to the Crown, and not appropriated to special purposes in the Colony, should, before they are read the third time in America or Ireland, be communicated to both Houses of the British Parliament, and receive the approbation of each by a resolution to be entered in their Journals.

It is said, however, that it is not to be expected that the American Assemblies, would vote their money for the public service, because they would have no controul, like the British Parliament, on the expenditure of the money which they might grant; that being removed from the seat of government, the influence of the Crown would be so weak, as not to be able

to

to carry any question; and that, as by their refusal to grant, the wheels of the whole machine would not be entirely stopt, as in the case of a refusal to grant the usual supplies here, there would not be any natural and permanent compulsion upon their assemblies, to make such grants; and that therefore, to give them the exclusive privilege of voting their own money, would, in effect, be giving them an entire exemption.

This argument is plausible, and, I doubt not, has made an impression on many dispassionate and impartial men; but has the experience of Ireland justified this theory? Did not Charles the First conceive the same ideas concerning the impracticability of obtaining proper supplies of money from an English House of Commons? and has the experience of the last century justified these suspicions? It is, however, extremely probable, that the American Assemblies would at first have been very sparing of their grants, that they would have insisted on the redress of many grievances, that they would have stipulated concerning the application of their money before they had voted it, that they would most probably have arraigned the wasteful conduct of ministers, and would have proposed many methods of lessening the expence; but I am convinced, that if the just complaints of the Americans had been listened to, and their confidence gained, the American Assemblies, whenever there was a real ground for asking money, would have granted liberally; and as a lover of

this Constitution, I should have rejoiced, that the difficulty of obtaining money from the American Assemblies had existed, as a fresh motive with ministers for good conduct, and to compel a proper exercise of the executive power.

The truth is, that where men are not afraid of encroachments on their liberties, and their minds are not soured by improper treatment, their representatives, in place of being too niggardly, have, on the contrary, been too lavish, in voting the public money; and the weight of Government is such, from the natural tendency of mankind to be governed, and from the desire which most men have for honours and distinctions, that even in very weak hands, and without the aid of bribery, the executive power can always obtain, in popular assemblies, much larger supplies, than in wisdom and prudence, it ought to obtain.

Having thus taken a general view of the argument in favour of America, to which, as it appears to me, this country has not allowed sufficient weight, and to which, I think no sufficient answer has ever yet been made; I come next to consider how far the Americans have allowed proper weight to the argument in favour of the claims of this country.

And here I must observe, that it was natural for this country to think, that America ought to contribute to the public burdens of the State, and that it was also very natural for us to conceive, that the Parliament of Great Britain had full power to impose taxes upon them, since we had

not

not only made laws to regulate their trade, but had even in some few instances imposed internal taxes; what reason had we, therefore, to doubt of our power by the constitution, to impose taxes upon them? The non-exercise of our right could not take it away, as that might, with reason, be ascribed to the inability of the Colonies to contribute. The doubt of the power of Parliament to tax America, can hardly be said to have generally existed in America itself, before the year 1754, when the matter was for the first time canvassed in the papers annexed in the Appendix. It was not I believe, the idea of Mr. Grenville to make use of that power, if the American Assemblies would themselves have imposed a tax, to raise the sum which he desired, and it was upon their refusal only that he made the motion for the Stamp Act in the British House of Commons*. I have already admitted, that it was of the utmost importance to the Colonies to resist the imposition of taxes by the Parliament here, and even to refuse imposing taxes on themselves, equivalent to the sum which Mr. Grenville demanded; because I agree with the American argument, that if the Minister or the Parliament here, were to name the

* I know it has been asserted, that Mr. Grenville did not give any option to the Colonies to impose an equivalent tax upon themselves, but required of them to point out some other tax equally productive, to be substituted by the British Parliament, in place of the intended Stamp Act; but I have always understood the fact to be as I have now stated it.

sum, it is but a small advantage to them, to be made the judges of the mode of raising it; for such a privilege would have resembled only the option given to Socrates, to chuse between the different modes in which he should be put to death. Mr. Grenville's proposition, no doubt, proceeded upon the supposition of an undoubted power, vested in Parliament, to tax America, and upon that supposition, it was an indulgence to permit them to raise the money under the authority of their own Assemblies; but as the Americans, by that time, were sufficiently enlightened to understand, that if Parliament was to tax them, there would exist no check or controul, as with us, upon the exercise of that right, they determined to resist the attempt of taxing them, either directly by Parliament, or indirectly by insisting upon their raising a specific sum by authority of their own Assemblies.

Mr. Grenville might be excused in the method which he pursued, thinking, as he no doubt did, that our right was clear; and certainly he shewed a disposition to exercise it with discretion, both by the previous offer which he made, and by his choice of the tax upon Stamps. But I cannot help thinking, the Americans were here in some degree to blame, for as their claim to exemption from Parliamentary taxation, was not surely an obvious proposition, they had no reason to be surprized, that it was not immediately admitted; and as they could not reasonably deny, that supposing their right to exemption clear, yet it was just and fit, that

that they should contribute in some degree to the public burthens ; I think, that instead of flatly refusing to impose any tax whatever on themselves, when Mr. Grenville discovered so strong a disposition to conciliate, they ought to have offered to raise such a sum as they themselves thought reasonable, refusing, at the same time, to admit the claim of a Parliamentary right to tax them, or consequently our right to insist upon their voting themselves any specific sum.

Whether or not this would have prevented the passing the Stamp Act, and would have diverted the ideas of this country from attempting to enforce Parliamentary taxations, and would have induced us to rely on the grants of the American Assemblies, it is impossible now to say ; from the good sense of Mr. Grenville, notwithstanding his inflexibility, I think it would ; but at any rate, in a new and great question of this kind, and where it was impossible to deny that the State had a claim to some aids from America, I think it would have been wiser and more becoming, upon the part of the Americans, to have held out to the Minister and the Parliament of this country, a golden bridge, in order to avoid bringing to an immediate decision, a question of such magnitude, and involved in so much difficulty.

The Americans ought surely to have considered, that it was not an easy matter, to draw the line between the power of legislation and taxation, since in the British constitution they had appeared to be always united ; for though Ireland had never been
taxed

taxed here, yet it was well known, there existed, in the Statute Books, an express act, declaring, that Parliament here had power to bind them in all cases whatsoever; so that the right seemed to remain, though not exercised. This therefore was a political question entirely new, and neither party had a title to condemn the other for the opposite opinions they entertained concerning it; but least of all had America a title to condemn the opinion of this country, because we had been in the exercise of the power of regulating their trade, and of levying indirectly by that means a tax upon them. I admit, that there was much less danger in that exercise of our power, than in directly taxing them; and that our Parliament may be much more safely trusted with the power of making general laws of regulation, than with that of taxing in a direct manner; but certainly the distinction could not be expected to be admitted as a self-evident proposition, upon its being first mentioned; and there was not sufficient ground, on account merely, of our denying its truth, to impute to this country a determined resolution, to reduce our fellow-subjects to slavery, though I admit that, in time, such might have proved the consequence.

I acknowledge, that as by passing the Stamp Act, Great Britain insisted on so dangerous a right, the Americans were reduced to a most disagreeable dilemma; for if they submitted in one instance, after the question was stirred, they could hardly afterwards have made any effectual opposition; especially

especially as their submission would have been imputed to fear; but I do not think, they had just grounds to consider Great Britain as acting on that occasion from any oppressive motive, since the question of right was certainly doubtful; and after the Stamp Act was repealed, and all the duties contained in the Act 7th of his Majesty, except on tea, were also repealed; and after the assurances contained in Lord Hillsborough's letter, they ought, and might, in my opinion, have relied, that no further tax would have been imposed upon them; at least, they ought to have delayed any violent measures, till some tax had been actually imposed, which I am inclined to think, would never have happened.

The permission granted by Parliament to the East India Company, to export their tea on their own account to America, in place of selling it to other exporters, was certainly no new tax, and tended to furnish the tea cheaper to the Americans. That permission was occasioned by the unfortunate circumstance of the India Company having overstocked their warehouses with tea, which made it necessary to contrive some means to enable them to dispose of it more readily; and was not the result of any view to impose a new tax upon America. The Colonies were therefore undoubtedly to blame, in suffering themselves to be inflamed by those, whose profits by smuggling were likely to be affected, in consequence of this proceeding

proceeding of the East India Company *. If the Colonies had acted upon that occasion with more temper, these unfortunate convulsions would not have happened; for I am convinced, that the tea duty was refused to be repealed, more from an idea of the necessity, in point of dignity, of preserving this mark of our right, than from any serious intention of ever afterwards imposing duties on the Colonies, with a view to a solid revenue.

The dignity of a nation is certainly a little concerned, not to give up a disputable right, when it is denied with acts of violence, though it loses no dignity in forbearing for ever the exercise of such a right; and as the permission granted to the India Company was no new tax, the Americans had not, I think, sufficient ground from thence to conclude, that this country did not mean to forbear for ever the exercise of that right of taxation which gave America so much alarm; and though I can make great allowances for the jealousies of freemen, in a point of so great moment, yet I must condemn those who endeavoured to excite it upon that occasion.

* It has however been confidently asserted, that Ministers, in proposing that mode of relieving the East India Company, in preference to any other, had a sinister view of rendering productive there the unfortunate Tea Duty, which they had so often refused to repeal, as thinking this the most effectual method, to counteract the non-importation agreements, with respect to that article, which had proved unsurmountable obstacles to private Merchants.

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I do not mean to enter into a justification of the proceedings of Parliament, in consequence of the destruction of the tea, because I never did, and do not now, approve of them. The Boston Port Bill indeed, if it had not been clogged with some unfortunate clauses, and had not been followed by the Massachusetts Charter Bill, might have proved a salutary and effectual measure.—But I hasten to another point, in which I conceive the Americans were too precipitate; I mean in their rejecting the proposition made by Lord North, with a view to conciliation.

Lord North, on the 27th February 1775, very unexpectedly, made the following motion in the House of Commons, which has been distinguished since by the name of the Conciliatory Proposition, “ Resolved, that when the Governor, Council, and Assembly, or General Court of any of his Majesty’s Provinces or Colonies in America, shall propose to make provision, *according to the condition, circumstances, and situation of such Province or Colony*, for contributing their proportion to the common defence (such proportion to be raised under the authority of the General Court or General Assembly of such Province or Colony, and disposable by Parliament), and shall engage to make provision also, for the support of the civil Government, and the administration of justice in such Province or Colony, it will be proper, if such proposal shall be approved by his Majesty and the two Houses of Parliament, *and for so long as such provision shall*

“ be

“ *be made accordingly*, to forbear in respect of such
 “ Province or Colony, to levy any duty, tax, or
 “ assessment, or to impose any farther tax or assess-
 “ ment, except only such duties as it may be ex-
 “ pedient to continue to levy or to impose for
 “ the regulation of commerce ; the net produce of
 “ the duties last mentioned, to be carried to the
 “ account of such Province or Colony respec-
 “ tively.”

I had not at that time a seat in the House, as the petition against the return of my competitor had not been heard ; but I was present during the debate ; and I was and am convinced, that the proposition was well intended, and that it ought not to have been received in the manner it was received, by those who espoused in the house, at that time, the cause of America. The proposition was indeed defective in the mode of expression, and did not convey in a clear and unambiguous manner, what I firmly believe was the meaning of the noble Lord. I am convinced, that it was the intention of that proposition, that after settling in an equitable and moderate manner, with the respective American Assemblies, for a sum to be contributed by each, for the public service, that no further taxes were to be imposed upon them by the British Parliament. This was, in my opinion, a most just and proper manner, with respect to America, of settling finally this unfortunate dispute ; for, unquestionably, it was just that they should bear a share of the public burthens, and if Great Britain was willing to fix their proportion

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at once, and to exempt them for ever from all grounds of apprehension, they could have no reason to complain. On the contrary, the agreement was highly advantageous to them; for, as they are evidently in a course of increasing rapidity, both in numbers and in wealth, and have immense tracts of waste lands still to cultivate, no sum which could possibly be agreed on at this period, could have borne any proportion, to what they ought to have paid as their just share hereafter, of the public burthens; so that to appearance, the proposition was in fact too favourable to them; though at the same time, I am perfectly satisfied, that if this agreement had been made, and all apprehensions of Parliamentary taxation, and of altering their charters, had been quieted for ever, we should have obtained in future times, more ample grants from the American Assemblies, on all occasions of public danger, than ever could have been exacted from them, by acts of the British Legislature.

But unfortunately the proposition, on its first appearance, was violently attacked by very able speakers, who defended the cause of America; and it was afterwards most unhappily misunderstood, when carried across the Atlantic. It was conceived by the Colonies to be insidious, and made with a view of disuniting them; by giving better terms to some than to others; and it was supposed, too, to be nearly of the same import with the proposition of Mr. Grenville, and that the only concession intended in it was, that the sum to be levied on America, being fixed from time to time, here,
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in consequence of their respective offers, they were to be permitted to levy that sum by the authority of their own Assemblies, but were to have no other voice in fixing the *quantum*. They also understood, that the amount of the salaries and appointments to the officers of Government in America, was not to be determined by themselves, but by us; which they conceived would be a source of great abuse, and an inlet to corruption.

It must be confessed, that the words made use of in the proposition, afforded some ground for the construction put upon it by those who objected to it in the House of Commons, and by the American Congress; for, the proposition not only requires, that provision should be made *according to the condition, circumstance, and situation of each Province or Colony*, for contributing their proportion to the common defence, but the exercise of the right of taxation is to be forborne only, *for so long as such provision shall be made accordingly*, which certainly admits of this construction, that whenever Parliament should be of opinion, that the sum first agreed on, did not continue to correspond to the condition, circumstances, and situation of the Colony, the agreement was at an end, and the right of taxation might, notwithstanding the agreement, be exercised as before. This would undoubtedly have been insidious; and though I am convinced that these words only meant, that if the Americans did not continue the proportion first agreed on, the exercise of taxation should be revived; yet in a matter of such infinite consequence to the Colonies,

lonies, it was not surprising that they were suspicious, and that they understood ambiguous words as meant to ensnare them.

But it is impossible for me to believe, that the noble Lord meant any thing insidious, or the least unfair ambiguity, by expressing himself as he did, in that proposition. I remember I took occasion in the following session, to state to the House the sense in which the Americans understood the proposition, and at the same time the sense in which I myself understood it, and I called upon the noble Lord, to explain in his place, the sense in which he meant it. His answer was plain and direct, that he meant it in the sense in which I had understood it, and by no means in that in which the Americans had conceived it, and that he meant it as the groundwork of a fair negotiation.

The proceedings in Parliament, in consequence of the Petition from Nova Scotia, by which that Colony declared its acceptance of the proposition, though these proceedings were afterwards dropt, are a further proof of the sense in which the proposition was meant and understood by Lord North.

But the public have the utmost reason to regret, that in a matter of such magnitude, and where so much depended on the accuracy of expression, this important proposition, was not communicated to the friends of America, before it was offered to the House, that their objections might have been obviated; for it is not to be wondered that a people; whose jealousy had been roused to such a degree, and whose leaders did

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not perhaps wish for a reconciliation, should reject a proposition, so conceived, as to admit of being considered as insidious, and which, if taken in the sense the words could bear, was no other than a snare to deceive them.

It was evident to those who were present, when this proposition was offered to the House, that it was made by the noble Lord, without the full assent of all his associates in administration; which is another proof, to my mind, that he meant by it, a great deal more than the Americans apprehended; for if it meant to leave Parliament at liberty, to vary the proportion of each Colony, from time to time, the most violent assertor of the rights of Parliament, could not have objected to it; and I, for one, shall always think favourably of the noble Lord, for the candour and moderation, which suggested to him the idea of that proposition, though it was attended with so little success.

But as I have taken the liberty to censure the opposition given in Parliament, to that proposition, I think myself called upon, in justice, to express the approbation which I feel, of the conduct of the same Members, upon several subsequent occasions. In the course of these American debates, instead of confining themselves merely, as is usual, to objecting to the measures, proposed in Parliament by Administration, they have repeatedly proposed plans of accommodation with the Colonies, which it was in the power of Administration to have amended and adopted, and by which, if they had adopted them, the proposers would have reaped no other
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advantage, except the satisfaction of having rendered, out of office, a most essential service to their country. This conduct, of which I highly approve, counterbalances, in a great measure, in my mind, the error I think they committed, in opposing, instead of endeavouring to correct, the defects of that proposition of the 27th February, 1775, in order to have recommended it with all their influence, to the acceptance of America.

I am apt to think, that the unfavourable reception of that proposition in America, was the true cause, that no farther attempt was made in Parliament, to offer terms to the Colonies, and probably suggested the idea of sending out Commissioners; but as the powers granted to them by Parliament were confined to the granting of Pardons, it was impossible that they could do more, than merely to enquire, upon what terms an agreement could be made.

From a general review of this subject, I think it must appear, to every person who will permit himself to consider it, with that impartiality which may be expected from distant ages, that there was in this case, a real ground for difference of opinion, between America and us, on the subject of taxation, without throwing upon them, the imputation of blind and factious zeal, or upon us, that of an insolent desire to injure or oppress them. On the one hand, we had a right to expect from them a contribution to the public expences, not indeed so much as if they had not been taxed by the regulations of trade, but still a considerable

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contribution; on the other hand, they had good ground to conceive, that according to the principles and spirit of this Constitution, a Parliament neither chosen by them, nor restrained in taxing them, by being sharers themselves with their constituents in the same tax, was not a fit power to be trusted, with the uncontrolled authority of imposing taxes upon them. Both parties were therefore, in some measure, in the right, and both were also in the wrong. If mankind were not unfortunately more apt, to act from passion than from reason, and if this matter had been clearly understood from the beginning, a line of reconciliation might easily have been adopted, for the mutual satisfaction of this country and of America, without the irretrievable waste which has happened, of so much blood and treasure on both sides.

Matters I hope are not yet gone so far, as to render it impossible, still to adopt such a line; but it will require the exertion of the wisest men in both countries, to sooth the prejudices and enlighten the minds, of the great body of people both here and there.

I am inclined to think, that it will be much more easy, to reconcile the minds of the people of this country to such an arrangement, than those of the Americans. We are now in a great measure, I believe, cured, of the dream of an easy conquest, and we are awake to the disadvantages, of continuing at such a distance, for any length of time, a war of so much expence, which has already cost us much more, than the object either of
exclusive

exclusive trade or of revenue, perhaps was ever worth ; and which, in the course of human events, may end, not merely in the loss of America to us ; but if by the bravery of our troops in this or a future campaign, we should reduce them to great difficulties, may throw them into the arms of France, which seem open to receive them ; and even if we should prevail to the utmost of our wishes, must entail upon us, not merely an enormous debt, but a military establishment, not more destructive to them, than dangerous to the liberties of this country. But it may not be so easy now, to induce the people of America, to accept of those terms of conciliation, which, not long ago, they would have rejoiced at. I hope, however, there are a sufficient number of men in that extensive continent, endued with a true love of their country, and sufficiently divested of passion and prejudice, to be able to discern the true interest of America upon this occasion.

To such men I would wish to address myself, and I think they will readily admit, that if the uncertain events of war should compel them to a union, either with this country, or with France, it would be infinitely preferable to return to their ancient friendship with us. The old ties of connection are not yet broken, and the spirit they have shown, in defence of their pretensions, will, after the end of this contest, place them high in the estimation of every Englishman. They have no reason to apprehend any future attempts, to encroach upon their rights ; on the contrary, the attention

of Ministers to what concerns them, will probably as much exceed the true medium, in their favour, as it before fell short of it, against them. United with us, we should stand firm and secure, if assailed by the united efforts of the most powerful states in the world, and America will thus be preserved, not only from foreign wars, but from the danger of internal discord, and will go on, in that high career of prosperity, which it enjoyed before the unfortunate æra of 1764.

But America has declared itself independent, and the idea of establishing a new and magnificent empire, upon the pillars of freedom, is a flattering object, and must captivate every youthful and generous mind ; but are there no rocks or quicksands to be dreaded ? Even if the object were already obtained, it would be a new phenomenon in the universe, a republic possessing an extensive continent, and yet preserving its liberty, the wisest and most plausible theory, cannot provide against all the dangers, of so new and untrodden a path. The English Constitution, with all its defects, is undoubtedly the best, that has ever yet existed upon the globe, and it will be time enough for the Americans, to separate themselves from us, when the natural decay of all human institutions, has rendered this fair fabric a scene of corruption, and when despotism begins to rise upon its ruins ; till then, it will be the interest of America to continue united with Great Britain. The two countries are peculiarly fitted to contribute to each others prosperity ; and if any thing

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is likely to prolong, to ages too remote for probable conjecture, the freedom and prosperity of this kingdom, I conceive it would be, the connection which may now be formed, with British America.

The passions of the Americans, who are in the midst of the scene of action, must no doubt be more excited, than here, where all is still at rest, and certainly, resentment from the desolation of war, must be strong in the minds of many; but the successes they have had, against the best disciplined and bravest troops in Europe, as it must elevate their minds, will also, in brave men, alleviate their resentment, and the conduct of General Gates and his army, after the capitulation of General Burgoyne, is an evident proof, that this has been the case. The conduct of that victorious army, was that of a brave, generous, and civilized people; and at the same time, that it deserves the highest praise, is an evident proof, that the violence of resentment, was extinguished with victory.

Another obstacle may arise, from the ambition of individuals, who having been raised by the present disputes, to situations of great importance, may dislike to return to their former situations. But as the Americans have not existed as a separate people, for more than two years; as the individuals which compose that people, have not yet had time to be corrupted; and as I do believe, that the greater part of those, who have put themselves most forward, on this occasion, have been

influenced, by a strong and fervent love of their country; I do not believe, that if a fair prospect is opened, of establishing the rights of America upon a clear and solid footing, and of restoring the ancient connection with this country, upon honourable terms, that these men, will, from personal motives, throw any obstacle in the way. That such selfish principles, are the growth of corrupted states, and do not exist in the early ages of a Republic, may be seen, from what frequently happened in ancient Rome, where those who had served the state in the highest situations, in times of public danger, retired without regret, to the plough, and resumed the humble care of their domestic concerns.

America must know, that notwithstanding our bad successes hitherto, we are still able to distress them much, if not to conquer them. That if our blood and treasure is wasted, theirs cannot be spared; and if it were clear, that the aid of France would turn the scale in their favour, yet that aid cannot be obtained, without concessions on their part, more prejudicial to them, than would result from a proper connection with us, nor would the trade of France, compensate to America, the loss of the trade of Britain.

I will fairly confess, that I do not know, if it would have been wise in America, to have entered into an agreement with us, till they had convinced this nation, as they have certainly done, of their power to resist, and to defend their rights; because till then, they could not have relied with
perfect

perfect confidence, on the observance of such an agreement in all future times, and the prejudices entertained in this country, to their disadvantage, perhaps required as strong proofs as they have given, of their spirit, to be entirely removed. But the case is now extremely different; whatever treaty is now made, they are sure will be faithfully performed, and they are certain of enjoying every advantage arising from the British Constitution, to the utmost extent. Will any man say, that it is possible to exchange it for a better? Or will wise men trust, to uncertain speculations, in a matter of such infinite consequence to their happiness, and will they reject, a certain good within their reach, in order to grasp at an imaginary idea of perfection.

The case may be stated in another view: Let the Parliament of Great Britain be in this case considered, in the question with America, as one person, and as representing the executive power; this power, we shall suppose, has attempted to encroach on the liberties of America, in point of taxation, as Charles the First did with respect to England. The Americans resist, and have at last an opportunity, of fixing the limits of this power for the future, so as that no tax shall be thereafter levied, without the consent of the respective Assemblies chosen by themselves. They have also an opportunity of ascertaining all other doubtful points in the constitution, and of having all their grievances redressed. Would it not be a degree of lunacy, to let slip an opportunity so favourable
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to their happiness, and to persist in a ruinous and bloody war, in hopes that at last, with the aid of a despotic Government, they may establish a new and independent empire. Can they at once forget, the happiness they enjoyed, and the freedom and prosperity which was every where diffused, throughout these fertile provinces, before the British Parliament attempted to tax them ; and can they hope for more prosperity, under any possible form of constitution, provided their rights are now clearly ascertained ? Were the natives of any ancient free State, or are the natives of Holland now more free or happy, than those of the British isles ? Some of the leaders in America have, however, affirmed in their writings, that though every ancient and modern form of Republican Government, has been defective ; yet they have discovered the true causes of their decline ; and that the new system formed for America, is free from all of these defects. But human wisdom is too limited, to foresee all the consequences of a new institution ; and all wise men will rather chuse, to trust to actual experience, in such serious matters, than to uncertain theory. The defects indeed of the present American plans of Government, are too apparent to escape observation.

The perpetual sources of war and dissension, which must arise between Great Britain and America, on account of the Newfoundland Fishery, and the West India islands, is another argument for conciliation. It is not to be supposed, that Great Britain will give up these without the utmost exertion to preserve them ; and if they remain
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with her, continual disputes must arise with America, particularly with respect to the Fisheries which lie so near to their coasts.

I flatter myself therefore, that the ancient good humour will still return, between these two parts of the British empire. It is unnecessary to enter into a detail of what would be the proper terms of their reconciliation. The great outline is, That Great Britain should take every honourable step, which may be necessary, to remove the jealousies and obtain the confidence of a people, who, like our ancestors have given signal proofs of their bravery, as well as their enthusiastic love of liberty; and for that purpose, the Americans should, in my opinion, have the most perfect security given to them, with respect to the right of taxation; and that their charters of government shall be inviolable, unless in consequence of petitions, from the great body of the people themselves; that the trial by jury, should be universally established; that Canada should enjoy a British Constitution; that the laws for regulating their trade, should be revised, and every alteration made, which can benefit them, without materially injuring us. In a word, that their grievances of every sort should be inquired into and redressed, that so they may repose with entire confidence, on the good faith and friendship of this country*. And that, on the other

* The appointment of Patent Officers, with power to reside here, and act by deputies there, is mischievous both to America and to us--The present mode of determining appeals from the Colonies, by the privy council, has been felt as a grievance, and certainly requires redress.

hand,

hand, they should contribute, a generous share of the public burdens, and grant such further aids in times of war, as their own assemblies shall think reasonable. These occasional aids, in all cases of real public exigence, will, I am convinced, be greater, notwithstanding the debt they have lately incurred, than our most sanguine ideas have ever reached.

I think it extremely immaterial to us, whether the sum to be annually contributed to the public burdens, be fixed now, or left to the annual vote of their Assemblies. By leaving it entirely to their own assemblies, we should certainly gain more effectually, the confidence of a brave and generous people, which is of infinitely greater consequence, than any sum for which we could stipulate on this occasion. But if a mistaken idea, of the proper dignity of a great and powerful state, should require some positive stipulation, after such a contest, I cannot believe, that the Americans would hesitate, if that became the only point in dispute, to grant us, after a due consideration had, of the great expences they have incurred, a reasonable and even a liberal annual revenue. If we are, however, entirely relieved of the former expence of our establishments there; and America does not require the bounties we formerly paid, on the importation of her goods, the revenue from these two sources alone, would be an object of the greatest importance. But these are points, which would be easily settled by negociation, if the animosity on all sides were once removed; and for that important

portant purpose, it will, in my opinion, become the magnanimity of this country, to begin with quieting the just apprehensions of so valuable a part of its fellow subjects, by giving them ample security against taxation, and against the exercise of certain other acts of legislation, which, I think in my conscience, we cannot exercise, consistently with the true spirit of our own constitution.

If we are sincere in the intention of doing this, the mode of executing it must certainly be, by resolutions moved in the House of Commons. But I apprehend it would prove most effectual, for disappointing the arts of untractable spirits, in both countries, if, without minutely entering into a detail of conditions, the most extensive general powers were immediately granted, by Act of Parliament, to proper Commissioners, named in the Act, to conclude an agreement with America, upon such terms as shall be found most effectual, for establishing a mutual and lasting confidence, between the two countries.

F I N I S.

A P P E N D I X.

No. I.

*Letters of Dr. Franklyn, published in
the London Chronicle, from the 6th
to the 8th of February, 1776.*

To the PRINTER of the LONDON CHRONICLE.

S I R,

IN July 1754, when from the encroachments of the French in America on the lands of the crown, and the interruption they gave to the commerce of this country among the Indians, a war was apprehended, Commissioners from a number of the Colonies met at Albany, to form a PLAN of UNION for their common defence. The plan they agreed to was in short this; ‘That a grand Council should be formed, of members to be chosen by the assemblies and sent from all the Colonies; which Council, together with a Governour General to be appointed by the Crown, should be empowered to make general laws to raise money in all the Colonies for the defence of the whole.’

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‘ whole.’ This plan was sent to the Government here for approbation: had it been approved and established by authority from hence, English America thought itself sufficiently able to cope with the French, without other assistance; several of the Colonies, having alone in former wars, withstood the whole power of the enemy, unassisted not only by the Mother-country, but by any of the neighbouring provinces. The plan however was not approved here: but a new one was formed instead of it, by which it was proposed, that ‘ the Governors of all the Colonies, attended by one or two members of their respective Councils, should assemble, concert measures for the defence of the whole, erect forts where they judged proper, and raise what troops they thought necessary, with power to draw on the treasury here for the sums that should be wanted; and the treasury to be reimbursed by a tax laid on the Colonies by act of Parliament.’ This new plan being communicated by Governor *Shirley* to a gentleman of Philadelphia, then in Boston, (who hath very eminently distinguished himself, before and since that time, in the literary world, and whose judgment, penetration and candor, as well as his readiness and ability to suggest, forward, or carry into execution every scheme of public utility, hath most deservedly endeared him, not only to our fellow-subjects throughout the whole continent of North America, but to his numberless friends on this side the Atlantic) occasioned the following remarks from him, which perhaps may have contributed

tributed in some degree to its being laid aside. As they very particularly show the then sentiments of the Americans on the subject of a parliamentary tax, *before* the French power in that country was subdued, and *before* the late restraints on their commerce, they satisfy me, and I hope they will convince your readers, contrary to what has been advanced by some of your correspondents, that those particulars have had no share in producing the present opposition to such a tax, nor in the disturbances occasioned by it; which these papers indeed do almost prophetically foretel. For this purpose, having accidentally fallen into my hands, they are communicated to you by one who is, not *partially*, but in the *most enlarged sense*,

A LOVER OF BRITAIN.

SIR,

Tuesday Morning.

"I return the loose sheets of the plan, with thanks to your Excellency for communicating them.

"I apprehend, that excluding the *People* of the Colonies from all share in the choice of the Grand Council, will give extreme dissatisfaction, as well as the taxing them by Act of Parliament, where they have no Representative. It is very possible, that this general Government might be as well and faithfully administered without the people, as with them; but where heavy burthens are to be laid on them, it has been found useful to make it, as much as possible, their own act; for they bear better

better when they have, or think they have some share in the direction ; and when any public measures are generally grievous or even distasteful to the people, the wheels of Government must move more heavily."

SIR,

Wednesday Morning.

" I mentioned it yesterday to your Excellency as my opinion, that excluding the *People* of the Colonies from all share in the choice of the Grand Council, would probably give extreme dissatisfaction, as well as the taxing them by Act of Parliament, where they have no Representative. In matters of general concern to the People, and especially where burthens are to be laid upon them, it is of use to consider, as well what they will be apt to think and say, as what they ought to think : I shall therefore, as your Excellency requires it of me, briefly mention what of either kind occurs to me on this occasion.

" First they will say, and perhaps with justice, that the body of the People in the Colonies are as loyal, and as firmly attached to the present Constitution, and reigning family, as any subjects in the King's dominions.

" That there is no reason to doubt the readiness and willingness of the Representatives they may chuse, to grant from time to time such supplies for the defence of the Country, as shall be judged necessary, so far as their abilities will allow.

" That the People in the Colonies, who are to feel the immediate mischiefs of invasion and conquest

conquest by an enemy, in the loss of their estates, lives and liberties, are likely to be better judges of the quantity of forces necessary to be raised and maintained, forts to be built and supported, and of their own abilities to bear the expence, than the Parliament of England at so great a distance.

“ That Governors often come to the Colonies merely to make fortunes, with which they intend to return to Britain, are not always men of the best abilities or integrity, have many of them no estates here, nor any natural connection with us, that should make them heartily concerned for our welfare; and might possibly be fond of raising and keeping up more forces than necessary, from the profits accruing to themselves, and to make provisions for their friends and dependants.

“ That the Counsellors in most of the Colonies being appointed by the Crown, on the recommendation of Governors, are often of small estates, frequently dependant on the Governors for Offices, and therefore too much under influence.

“ That there is therefore great reason to be jealous of a power in such Governors and Councils, to raise such sums as they shall judge necessary, by draft on the Lords of the Treasury, to be afterwards laid on the Colonies by Act of Parliament, and paid by the people here: since they might abuse it, by projecting useless expeditions, harassing the People, and taking them from their labour to execute such projects, merely to create offices and employments, and gratify their dependants, and divide profits,

“ That

“ That the Parliament of England is at a great distance, subject to be misinformed and misled by such Governors and Councils, whose united interests might probably secure them against the effect of any complaint from hence.

“ That it is supposed an undoubted right of Englishmen not to be taxed but by their own consent given through their representatives.

“ That the Colonies have no Representatives in Parliament.

“ That to propose taxing them by Parliament, and refuse them the liberty of chusing a representative Council, to meet in the Colonies, and consider and judge of the necessity of any general tax, and the quantum, shows a suspicion of their loyalty to the Crown, or of their regard for their Country, or of their common sense and understanding, which they have not deserved.

“ That compelling the Colonies to pay money without their consent, would be rather like raising contributions in an enemy's country, than taxing of Englishmen for their own public benefit.

“ That it would be treating them as a conquered people, and not as true British subjects.

“ That a tax laid by the Representatives of the Colonies might easily be lessened as the occasions should lessen, but being once laid by Parliament, under the influence of representations made by Governors, would probably be kept up and continued for the benefit of Governors, to the grievous burthen and discouragement of the Colonies, and prevention of their growth and increase.

“ That

“ That a power in Governors to march the inhabitants from one end of the British and French Colonies to the other, being a country of at least 1500 miles square, without the approbation or consent of their Representatives first obtained to such expeditions, might be grievous and ruinous to the People, and would put them on a footing with the subjects of France in Canada, that now groan under such oppression from their Governor, who for two years past has harrassed them with long and destructive marches to the Ohio.

“ That if the Colonies in a body may be well governed by Governors and Councils appointed by the Crown, without Representatives, particular Colonies may as well or better be so governed; a tax may be laid on them all by Act of Parliament, for support of Government, and their Assemblies may be dismissed as an useless part of the Constitution.

“ That the powers proposed by the Albany plan of union, to be vested in a Grand Council Representative of the People, even with regard to military matters, are not so great as those the Colonies of Rhode Island and Connecticut are entrusted with by their Charters, and have never abused; for by this plan, the President General is appointed by the Crown, and controuls all by his negative; but in those Governments the People chuse the Governor, and yet allow him no negative.

“ That the British Colonies bordering on the French are properly Frontiers of the British Em-

pire ; and the frontiers of an empire are properly defended at the joint expence of the body of the people in such empire : It would now be thought hard by Act of Parliament to oblige the Cinque ports or sea coasts of Britain to maintain the whole navy, because they are more immediately defended by it, not allowing them at the same time a vote in chusing Members of the Parliament ; and if the frontiers in America must bear the expence of their own defence, it seems hard to allow them no share in voting the money, judging of the necessity and sum, or advising the measures.

“ That besides the taxes necessary for the defence of the frontiers, the Colonies pay yearly great sums to the Mother-country unnoticed : For taxes paid in Britain by the landholder or artificer, must enter into and increase the price of the produce of land, and of manufactures made of it ; and great part of this is paid by consumers in the Colonies, who thereby pay a considerable part of the British taxes.

“ We are restrained in our trade with foreign nations ; and where we could be supplied with any manufacture cheaper from them, but must buy the same dearer from Britain, the difference of price is a clear tax to Britain. We are obliged to carry great part of our produce directly to Britain, and where the duties there laid upon it lessen its price to the planter, or it sells for less than it would in foreign markets ; the difference is a tax paid to Britain.

“ Some

"Some manufactures we could make, but are forbidden, and must take them of British merchants; the whole price of these is a tax paid to Britain.

"By our greatly increasing the demand and consumption of British manufactures, their price is considerably raised of late years; the advance is clear profit to Britain, and enables its people better to pay great taxes; and much of it being paid by us, is clear tax to Britain.

"In short, as we are not suffered to regulate our trade, and restrain the importation and consumption of British superfluities (as Britain can the consumption of foreign superfluities), our whole wealth centers finally among the merchants and inhabitants of Britain; and if we make them richer, and enable them better to pay their taxes, it is nearly the same as being taxed ourselves, and equally beneficial to the Crown.

"These kind of secondary taxes, however, we do not complain of, though we have no share in the laying or disposing of them; but to pay immediate heavy taxes, in the laying, appropriation, and disposition of which we have no part, and which perhaps we may know to be as unnecessary as grievous, must seem hard measure to Englishmen, who cannot conceive, that by hazarding their lives and fortunes, in subduing and settling new countries, extending the dominion and encreasing the commerce of their Mother-nation, they have forfeited the native rights of Britons, which they think

ought rather to be given them as due to such merit, if they had been before in a state of slavery.

"These, and such kind of things as these, I apprehend, will be thought and said by the people, if the proposed alteration of the Albany plan should take place. Then the administration of the Board of Governors and Council, so appointed, not having any representative body of the people to approve and unite in its measures, and conciliate the minds of the people to them, will probably become suspected and odious; dangerous animosities and feuds will arise between the Governors and Governed, and every thing go into confusion.

"Perhaps I am too apprehensive in this matter; but having freely given my opinion and reasons, your Excellency can judge better than I whether there be any weight in them, and the shortness of the time allowed me, will, I hope, in some degree, excuse the imperfection of this scrawl.

"With the greatest respect, and fidelity, I have the honour to be, your Excellency's most obedient, and most humble servant."

S I R,

Boston, Dec. 22, 1754.

"Since the conversation your Excellency was pleased to honour me with, on the subject of uniting the Colonies more intimately with Great Britain, by allowing them Representatives in Parliament, I have something further considered that matter, and am of opinion, that such an union
would

would be very acceptable to the Colonies, provided they had a reasonable number of Representatives allowed them; and that all the old Acts of Parliament, restraining the trade or cramping the manufactures of the Colonies, be at the same time repealed, and the British Subjects on this side the water put, in those respects, on the same footing with those in Great Britain, till the new Parliament, representing the whole, shall think it for the interest of the whole to re-enact some or all of them: It is not that I imagine so many Representatives will be allowed the Colonies, as to have any great weight by their numbers; but I think there might be sufficient to occasion those laws to be better and more impartially considered, and perhaps to overcome the private interest of a petty corporation, or of any particular set of artificers or traders in England, who heretofore seem, in some instances, to have been more regarded than all the Colonies, or than was consistent with the general interest, or best national good. I think too, that the government of the Colonies by a Parliament, in which they are fairly represented, would be vastly more agreeable to the people, than the method lately attempted to be introduced by Royal Instructions, as well as more agreeable to the nature of an English Constitution, and to English Liberty; and that such laws as now seem to bear hard on the Colonies, would (when judged by such a Parliament for the best interest of the whole) be more cheerfully submitted to, and more easily executed.

“ I should

“ I should hope too, that by such an union, the people of Great Britain and the people of the Colonies would learn to consider themselves, not as belonging to different Communities with different interests, but to what Community with one interest, which I imagine would contribute to strengthen the whole, and greatly lessen the danger of future separations.

“ It is, I suppose, agreed to be the general interest of any state, that its people be numerous and rich; men enow to fight in its defence, and enow to pay sufficient taxes to defray the charge; for these circumstances tend to the security of the state, and its protection from foreign power: But it seems not of so much importance whethet the fighting be done by John or Thomas, or the tax paid by William or Charles: The iron manufacture employs and enriches the British Subjects, but is it of any importance to the state, whether the manufacturers live at Birmingham or Sheffield, or both, since they are still within its bounds, and their wealth and persons at its command? Could the Goodwin Sands be laid dry by banks, and land equal to a large country thereby gained to England, and presently filled with English inhabitants, would it be right to deprive such inhabitants of the common privileges enjoyed by other Englishmen, the right of vending their produce in the same ports, or of making their own shoes, because a merchant, or a shoemaker, living on the old land, might fancy it more for his advantage to trade or make shoes

shoes for them? Would this be right, even if the land were gained at the expence of the state? And would it not seem less right, if the charge and labour of gaining the additional territory to Britain had been borne by the settlers themselves? And would not the hardship appear yet greater, if the people of the new country should be allowed no Representatives in the Parliament enacting such impositions? Now I look on the Colonies as so many counties gained to Great Britain, and more advantageous to it than if they had been gained out of the sea around its coasts, and joined to its land: For, being in different climates, they afford greater variety of produce, and materials for more manufactures; and being separated by the ocean, they increase much more its shipping and seamen; and since they are all included in the British Empire, which has only extended itself by their means; and the strength and wealth of the parts is the strength and wealth of the whole; what imports it to the general state, whether a merchant, a smith, or a hatter, grow rich in *Old* or *New* England? And if, through increase of people, two smiths are wanted for one employed before, why may not the *new* smith be allowed to live and thrive in the *New Country*, as well as the *old* one in the *Old*? In fine, why should the countenance of a state be *partially* afforded to its people, unless it be most in favour of those, who have most merit? and if there be any difference, those who have most contributed to enlarge Britain's

tain's empire and commerce, to increase her strength, her wealth, and the numbers of her people, at the risk of their own lives and private fortunes, in new and strange countries, methinks, ought rather to expect some preference.

"With the greatest respect and esteem, I have the honour to be

Your Excellency's most obedient,
and most humble servant."

A P P E N D I X.

Nº. II.

Extract from a Treatise, entitled, Letter from a Merchant in London to his Nephew in America," written in 1766, by Dr. Tucker, Dean of Gloucester, and now republished in a Book, entitled, "Four Tracts on political and commercial Subjects."

—P. 101. "GIVE me leave to ask you, young man, what it is you mean, by repeating to me so often, in every letter, the *Spirit of the Constitution*? I own, I do not much approve of this phrase, because its meaning is so vague and indeterminate, and because it may be made to serve all purposes alike, good or bad. And indeed, it has been my constant remark, that when men were at a loss, for solid arguments, and matters of fact, in their political disputes, they then have recourse to the *spirit* of the Constitution,

tion, as to their last shift, and the only thing they had to say: An American, for example, now insists, that, according to the spirit of the *English* Constitution, he ought not to be taxed without his own consent, given either by himself, or by a representative in Parliament, chosen by himself. Why ought he not? And doth the Constitution say in so many words, that he ought not? Or doth it say, that every man either hath, or ought to have, or was intended to have, a vote for a member of Parliament? No, by no means: the Constitution says no such thing—But the spirit of it doth, and that it is as good, perhaps better—Very well; see then how the same spirit will presently wheel about, and assert a doctrine quite repugnant to the claims and positions of you Americans, Magna Charta, for example, is the great foundation of English liberties, and the basis of the English Constitution. But, by the spirit of Magna Charta, all taxes laid on by Parliament, are *constitutional legal* taxes; and taxes raised by the prerogative of the Crown, without the consent of the Parliament, are illegal. Now remember young man, that the late tax, of duties upon stamps, was laid on by Parliament; and therefore, according to your own way of reasoning, must have been a regular constitutional legal tax. Nay more, the principal end and intention of Magna Charta, as far as taxation is concerned, was to assert the authority and jurisdiction of the three estates of the kingdom, in opposition to the sole prerogative of the King; so that if you will
now

now plead the spirit of Magna Charta against the jurisdiction of Parliament, you will plead Magna Charta against itself."

And in page 108, the same author goes on as follows: "What then is it, which you have next to offer? Oh! "The unreasonableness, the "injustice and the cruelty of taxing a free people, "without permitting them to have representatives of their own to answer for them, and to "maintain their fundamental rights and privileges."—Strange! that you did not discover these bad things before—Strange! that though the British Parliament has been from the beginning, thus unreasonable, thus unjust and cruel, towards you, by levying taxes on many commodities outwards and inwards, nay, by laying an internal tax, the *post tax* for example, on the whole British empire in America, and what is still worse, by making laws to affect your property, your paper currency, and even to take away life itself, if you offend against them. Strange and unaccountable I say, that after you had suffered this so long, you should not have been able to have discovered, that you were without representatives in the British Parliament of your own electing, till this enlightening tax upon paper opened your eyes, and what a pity it is that you have been slaves, and yet did not know that you were slaves until now.

"But let that pass—for I always chuse to confute you in your own way. Now, if you mean any thing at all by the words unreasonable, unjust, and

and cruel, as used in this dispute, you must mean, *that the mother country deals worse by you than by the inhabitants of Great Britain, and that she denies certain constitutional rights and privileges to you abroad, which we enjoy here at home.* Now pray, what are these constitutional rights and liberties which are refused to you? Name them if you can. The things which you pretend to alledge, are, the rights of voting for members of the British Parliament, and the liberty of chusing your own representatives.—But, surely, you will not dare to say, that we refuse your votes when you come hither to offer them, and chuse to poll. You cannot have the face to assert, that, on an election day, any difference is put, between the vote of a man born in America, and of one born here in England. Yet this you must assert, and prove too, before you can say any thing to the present purpose. Suppose, therefore, that an American hath acquired a vote, as he legally may, and many have done, in any of our cities or counties, towns or boroughs; suppose that he is become a freeman or a freeholder here in England. On that state of the case, prove if you can, that his vote was ever refused because he was born in America—prove this I say, and then I will allow, that your complaints are very just, and that you are indeed the much injured, the cruelly treated people you would make the world believe.

“But is this supposed refusal the real cause of your complaint? Is this the grievance that calls

so loudly for redress. Oh! no, you have no complaint of this sort to make, but the cause of your complaint is this, that you live at too great a distance from the Mother-country, to be present at our English elections, and that in consequence of this distance, the freedom of our towns, or the freeholds in our counties, as far as voting is concerned, are not worth attending to. It may be so, but pray consider, if you yourselves do chuse to make it inconvenient for you to come and vote, by retiring into distant countries, what is that to us, and why are we to be reproached, for committing a violation of the birthrights of Englishmen, which, if it be a violation, is committed only by yourselves—Granting that the Colonies are unrepresented in the British Parliament, granting that two millions of people in America have in this respect no choice nor election of their own, through the necessity of the case, and their distance from the place of election, what would you infer from this concession, and wherein can such kind of topics support your cause? For know, young man, that not only two millions, which are the utmost that your exaggerated accounts can be swelled to, I say, not only two millions, but six millions at least, of the inhabitants of Great Britain, are still unrepresented in the British Parliament. And this omission arises not from the necessity of the case, not from consulting interest and convenience, as with you, but from original ideas of Gothic vassalage, from various casualties and accidents, from changes in the nature of property,

perty, from the alteration of times and circumstances, and from a thousand other causes. Thus, for example, in the great metropolis, and in many other cities, landed property itself hath no representative in Parliament; copyholds, and leaseholds of various kinds, have none likewise, though of ever so great a value. Moreover, in some towns, neither freedom nor birthright, nor the serving of an apprenticeship, shall entitle a man to give his vote, though they may enable him to set up a trade. In other towns, the most numerous, the most populous and flourishing of any, there are no freedoms or votes of any sort, but all is open, and none are represented. And besides all this, it is well known, that the great *East India Company*, which have such vast settlements, and which dispose of the fate of kings and kingdoms abroad, have not so much as a single member, or even a single vote, *quatenus* a company to watch over their interests at home. What likewise shall we say, in regard to the prodigious number of stock-holders in our public funds? And may not their property, perhaps little short of *one hundred millions* Sterling, as much deserve to be represented in Parliament, as the scattered townships or straggling houses of some of your provinces in *America*? Yet we raise no commotions; we neither ring the alarm bell, nor sound the trumpet; but submit to be taxed without being represented, and taxed too, let me tell you, for your sakes. Witness the additional duties on our lands, windows, houses; also on
 our

our malt, beer, ale, cyder, perry, wines, brandy, rum, coffee, chocolate, &c. &c. &c. for defraying the expences of the late war—not forgetting the grievous stamp-duty itself; all this, I say, we submitted to, when you were, or at least you pretended to be in great distress; so that neither men, almost to the last drop of blood we could spill—nor money, to the last piece of coin, were spared; but all was granted away, all was made a sacrifice, when you cried out for help. And the debt which we contracted on this occasion, is so extraordinary, as not to be paralleled in history. It is to be hoped, for the credit of human nature, that the returns which you have made us, for these succours, and your present behaviour towards us, which perhaps is still more extraordinary, may not be paralleled likewise.

“ But as you *Americans* do not chuse to remember any thing which we have done for you, though we and our children shall have cause to remember it till latest posterity—let us come to the topic, which you yourselves do wish to rest your cause upon, and which you imagine to be the sheet anchor of your state vessel. “ You are not “ represented, and you are two millions, therefore you ought not to be taxed.” We are not represented, and we are six millions, therefore we ought not to be taxed. Which now, even in your own sense of things, have most reason to complain? And which grievance, if it be a grievance, deserves first to be redressed? Be it therefore supposed, that an augmentation ought to take

take place in our House of Commons, in order to represent in Parliament the prodigious numbers of *British* subjects hitherto unrepresented. In this case, the first thing to be done is to settle the proportion. And therefore, if two millions (the number of persons actually represented at present) require five hundred and fifty-eight representatives (which I think is the number of our modern House of Commons), How many will six millions require?—The answer is, that they will require one thousand six hundred and seventy-four representatives. Now this is the first augmentation which is to be made to our list of parliament men. And after this increase, we are to be furnished, by the same rule of proportion, with five hundred and fifty-eight more from the colonies. So, that the total numbers will be *two thousand seven hundred and ninety representatives in parliament?* A goodly number truly! and very proper for the dispatch of business! Oh, the decency of such an assembly! the wisdom and gravity of two thousand seven hundred and ninety legislators, all met together in one room! What a pity is it, that so hopeful a project should not be carried into immediate execution!"

Extract

*Extract from a Pamphlet, entitled,
 "The Rights of Great Britain as-
 serted against the Claims of Ame-
 rica; being an Answer to the
 Declaration of the General Con-
 gress."*

—P. 3. "NO maxim in policy is more univer-
 sally admitted, than that a su-
 preme and uncontrollable power must exist some-
 where in every state. This ultimate power,
 though justly dreaded and reprobated in the per-
 son of *one man*, is the first spring in every poli-
 tical society. The great difference between the
 degrees of freedom in various governments, con-
 sists merely in the manner of placing this neces-
 sary discretionary power. In the British empire it
 is vested, where it is most safe, in King, Lords,
 and Commons, under the collective appellation of
 the legislature. The legislature is another name
 for the constitution of the state, and in fact the
 state itself. The Americans still own themselves
 the subjects of the state, but if they refuse obe-
 dience to the laws of the legislature, they play
 upon words, and are no longer subjects, but re-
 bels. In vain have they affirmed, that they are
 the subjects of the king's prerogative, and not his
 subjects in his legislative quality; as the King
 with regard to his subjects in general, is to be

considered only in his executive capacity, as the great hereditary magistrate, who carries into effect the laws of the legislature, the only discretionary and uncontrollable power in a free state.

“The discretionary and uncontrollable authority of the British legislature being granted, their right to tax all the subjects of the British empire, can never be denied. Some ill-formed reasoners in politics, have lately started an obsolete maxim, which has been seized with avidity by the Americans “That the supreme power cannot take “from any one, any part of his property without “his consent,” or in other words, that representation is inseparable from taxation. The Colonists, say they, have no representatives in Parliament, and therefore Parliament has no right to tax the Colonies. Upon this principle, scarce one in twenty-five, of the people of Great Britain, is represented. Out of more than seven millions, fewer than three hundred thousand have an exclusive right to chuse members of Parliament; and therefore, more than three times the number of the Americans, have an equal right with them, to dispute the authority of the legislature to subject them to taxes. The truth is, representation never accompanied taxation in any state. The Romans were a free nation, but the senate, that is the great body of the nobility, possessed the sole right of taxing the people*. In this kingdom,

* The spirit of the English Constitution will in vain be sought for, in the constitution of ancient Rome.

the House of Commons have an exclusive right of modifying and regulating the quantity of public supplies, and the manner of laying taxes. They decide upon what the legislature ought to receive for the support of the state; but the Commons, by their own authority, cannot enforce the raising the supplies they vote. That privilege is inherent in the supreme and unaccountable power, vested in the three branches of the Legislature united, who are in fact the State, as the virtual representatives of the whole Empire, and not the delegates of individuals.

“ If representation is virtual in Great Britain, why then is it not virtual in the Colonies? The people of the four northern Provinces, though they deny the fact in words, own it in their conduct; near one third of the corporations in New England, chuse no representatives, to save the expence of paying their deputies. They however own the right of their Assemblies, to impose taxes, and to make laws to bind the whole community, as the representatives of the whole Colony. The truth is, representation has no more to do with the right of taxation, than with every other right exercised by the supreme and superintending power. It is interwoven with the very essence of the legislative power, and is exerted by that power for the necessary support of the State*.

G 2

“ Why

* This example of the corporations of New England which chuse no representatives, strongly illustrates the argument which I have stated. The taxes imposed by the Assembly of the

“ Why it has been so generally received, as a maxim, in this country, that taxation and representation are inseparable, requires to be further explained. Men little acquainted with the Constitution, derive the opinion from their finding, that it is the indisputable right of the Commons, that all grants of subsidies and Parliamentary aids, should originate in their House. But though they first bestow these subsidies and aids, their grants, as has been already observed, have no effect, without the assent of the other two branches of the Legislature. The common reason given for this exclusive privilege is, that as the supplies are raised upon the body of the people, the people only ought to have the right of taxing themselves. This argument would have been conclusive, if the Commons taxed none but those by whose suffrages they obtain their seats in Parliament. But it has appeared, that more than seven millions of people, besides the Peers, who are in possession of so large a share

the Province, are general over the whole Province, and not imposed solely on any particular district. The representatives of the other districts, are therefore virtual representatives of those corporations which send none, because they and their constituents are equally concerned in interest with the unrepresented parts of the Province, to keep the taxes low; and this is found so effectual a check against abuse, that one third of the corporations do not find it worth their while to send deputies. The same was the case anciently in England; for it is well known, that many boroughs declined sending Members to Parliament, in order to save the expence of paying their deputies,

of

of property in the kingdom, have no voice in the election of the Members who sit in the lower House. The Commons therefore, and their constituents, not being the only persons taxed, the former cannot possibly have the only right of raising and modelling the supply, from the mere circumstance of representation*. But if they have it not from representation, they must in fact derive it from the supreme and discretionary power, which is reposed in them, in conjunction with the two other branches of the Legislature. It appears upon the whole, that taxation is the result of the discretionary power, which is placed in the hands of the Legislature, and exerted by them for the necessary support of the State. To this power the whole empire must submit, and consequently no one of its subjects can claim any exemption.

“ The counties palatine of Chester, Durham, and Lancaster, were anciently in the same predicament with the Americans, on the article of taxation. The Earl of Chester, and the Bishop of Durham, became, by prescription and immemorial custom, possessed of a kind of regal jurisdiction, within their respective territories. A similar form of government was established by King Edward the Third, in the county of Lancaster,

* It would require too long a discussion to show the fallacy of this reasoning. I believe it can be made very clear, that in the feudal Governments, all aids or taxes, were made by the consent of the people who paid them, and representation was by degrees substituted in place of actual attendance to vote.

which

which was created by that prince in favour of Henry Plantagenet, whose heirs carried the same rights and privileges to John of Gaunt and his posterity; but though the subordinate Sovereigns of these counties, could pardon treasons, murders, and felonies, though they appointed all judges, nominated all justices of the peace, though all writs and indictments ran in their names, as in other counties in that of the King, though all offences were said to be done against their *peace*, and not as in other places *contra pacem domini regis*, though in short they possessed exclusively, the whole internal government of their several counties, their *subjects*, if the expression may be used, were "always bound by the acts and statutes" of an assembly, in which they had no representatives. They were also "liable to all payments, rates, and subsidies granted by the Parliament of England."

"These counties, it must be confessed, like the Americans, considered their being excluded from having representatives, in an assembly by which they were taxed, a grievance. Accordingly the town and county of Chester, as far back as the 35th of Henry the Eighth, petitioned the Legislature for the privilege of sending Members to Parliament, and their request was granted by an express statute. The county and city of Durham made a similar application, and with the same success, in the 25th of Charles the Second. Had the Americans, instead of flying to arms, submitted the same supposed grievance, in a peaceable and dutiful

ful manner, to the Legislature, I can perceive no reason why their request should be refused. Had they, like the county and city of Chester, represented, that “ for lack of knights and burgessees “ to represent them in the high Court of Parliament, they had been oftentimes *touched and* “ *grieved* with acts and statutes, made within “ the said Court, derogatory to their most ancient jurisdictions, liberties, and privileges, and “ prejudicial to their quietness, rest, and peace;” “ this country would, I am persuaded, have no objection to their being represented in our Parliament.

“ But the Colonies, though that circumstance is only insinuated in the declaration, have uniformly affirmed, that granting the supremacy of Parliament should extend over the whole empire, yet that they themselves have a right to an exemption from taxes, either by the concessions of the Legislature, or by charters from the King. It seems incompatible with reason, say they, that the Colonies should have internal legislatures of their own, possessing the authority of taxation, and that, notwithstanding, the British Parliament should retain its power of laying imposts. The first of these assertions is not founded in truth, and the charters neither give, nor can give, any exemption from taxation.”

It is unnecessary to enter into a discussion of several questionable positions in these quotations. They are only here inserted, to show, that these
 distin-

distinguished writers conceived, that the right of Parliament to tax the *unrepresented* part of England, stands exactly on the same footing with their right to tax America. I conceive, on the contrary, that I have sufficiently explained, the important distinction there is, between the two cases, a distinction to which a proper attention has not been given, and which constitutes, in my apprehension, the true and essential merits of this great question.

"This country would, I am persuaded, have no objection to their being represented in our Parliament."

"But the Colonies, though their circumstance is only inferior to the Colonies, have not only

F I N I S.

affirmed, that granting the supremacy of Parliament should extend over the whole empire, yet that they themselves have a right to an exemption from taxes, either by the concessions of the Legislature, or by charters from the King. It seems incompatible with reason, say they, that the Colonies should have internal legislatures of their own, possessing the authority of taxation, and that notwithstanding, the British Parliament should retain its power of laying imposts. The truth of these assertions is not founded in truth, and the charters neither give, nor can give, any exemption from taxation."

It is unnecessary to a discussion of several questions in this proposition. They are only intended to show that their distinction

